SA 5466. Mr. SCHUMER (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mrs. CLINTON, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5467. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5468. Mr. INHOFE (for himself, Mr. CRAPO, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5469. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5470. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5471. Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5472. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5473. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5474. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5475. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5476. Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. INOUYE, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5477. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5478. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5479. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5480. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5481. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5482. Mr. KERRY (for himself, Ms. SNOWE, Mr. MENENDEZ, Mr. LAUTENBERG, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5483. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5484. Mr. FEINGOLD (for himself, Mr. NELSON, of Florida, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5485. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5486. Mr. BROWN (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5487. Mr. CASEY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5488. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5489. Mr. LIEBERMAN (for himself, Mr. GRAHAM, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5490. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5491. Mr. WARNER (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5492. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5493. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5494. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5495. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5496. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5497. Mr. NELSON of Nebraska (for himself, Mr. GRAHAM, Mr. VOINOVICH, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5446. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 454, after line 21, add the following:

SEC. 2814. EXPANDED IMPLEMENTATION OF FIRST SERGEANTS BARRACKS INITIATIVE.

The Secretary of the Army shall implement the First Sergeants Barracks Initiative (FSBI) throughout the Army in order to improve the quality of life and living environments for single soldiers.

SA 5447. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. SENSE OF SENATE ON CARE FOR WOUNDED WARRIORS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Wounded Warrior Act (title XVI of Public Law 110–181) established a comprehensive policy on improvements to care, management, and transition of recovering service members.

(2) This policy included guidance on Training and Skills of Health Care Professionals, Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members.

(3) The Department of Veterans Affairs currently has eight fully trained Recovery Care Coordinators in the field serving 123 wounded warriors with an additional two Recovery Care Coordinators in training and additional applicants being considered.

(4) The requirement for Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members exceeds the current availability of these personnel within the Department of Veterans Affairs and Department of Defense.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Veterans Affairs and Department of Defense should—

(1) aggressively recruit, hire, and train individuals as Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members;

(2) establish partnerships between Department of Defense medical facilities and Department of Veterans Affairs medical facilities, on the one hand, and public and private institutions of higher education, on the other hand, to assist in training medical care case management personnel needed to support returning wounded and ill service members;

(3) work closely with public and private institutions of higher education to ensure the most current care management techniques and evidenced based guidelines are incorporated into training programs for Health Care Professionals, Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers; and

(4) expand the use of Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers to include other than newly wounded and disabled recovering service members.

SA 5448. Mr. AKAKA (for himself, Mr. STEVENS, Mr. INOUYE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

Subtitle H—Non-Foreign Area Retirement Equity Assurance

SEC. 1091. SHORT TITLE.

This title may be cited as the ''Non-Foreign Area Retirement Equity Assurance Act of 2008'' or the ''Non-Foreign AREA Act of 2008''.

SEC. 1092. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

''(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;'';

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A) the following:

''(B) positions under subsection (h)(1)(D) not covered by appraisal systems certified under section 5382; and''; and

(iv) in subparagraph (C) (as redesignated by this paragraph), by striking ''under subsection (h)(1)(D)'' and inserting ''under subsection (h)(1)(E)''; and

(B) by adding at the end the following:

''(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(D) covered by appraisal systems certified under section 5307(d).''; and

(3) in subsection (h)(1)—

(A) in subparagraph (C) by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E);

(C) by inserting after subparagraph (C) the following:

''(D) a Senior Executive Service position under section 3132 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2008 was eligible to receive a cost-of-living allowance under section 5941; and''; and

(D) in clause (iii) in the matter following subparagraph (D), by inserting ''stationed in the 48 contiguous States and the District of Columbia, or stationed within the United States, but outside the 48 contiguous States and the District of Columbia, in which the incumbent the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2008 was not eligible to receive a cost-of-living allowance under section 5941; and'' before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence ''Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) of this subsection shall be the cost-of-living allowance rate in effect on December 31, 2008, except as adjusted under subsection (c).'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2008.

''(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

''(A) January 1, 2009; and

''(B) on January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 1094 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2008.

''(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2009 and each calendar year thereafter, the applicable percentage under section 1094 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2008.

''(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

''(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2008; and

''(ii) dividing the resulting percentage determined under clause (i) by the sum of—

''(I) one; and

''(II) the applicable locality-based comparability payment percentage expressed as a numeral.

''(3) No allowance rate computed under paragraph (2) may be less than zero.

''(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).''.

SEC. 1093. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 1094 of this Act, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 1099 of this Act.

(b) DEPARTMENT OF VETERANS AFFAIRS.—Each special rate of pay established under section 7455 of title 38, United States Code, and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the Secretary of Veterans Affairs that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 1094 ending on the first day of the first pay period beginning on or after January 1, 2011, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 1094. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this title or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this title, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2009, by using ⅓ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2010, by using ⅔ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2011 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 1095. SAVINGS PROVISION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the application of this title to any employee should not result in a decrease in the take home pay of that employee.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Bureau of Labor Statistics will conduct separate surveys pursuant to the establishment by the President's Pay Agent of 1 new locality area for the entire State of Hawaii and 1 new locality area for the entire State of Alaska, and that upon the completion of the phase in period no employee shall receive less than the Rest of the U.S. locality pay rate.

(c) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section 1094 of this Act, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 1094 of this Act, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this title, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2008 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 1094 of this Act which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code for his position including any future increase to statutory pay caps under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any

amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 1096. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered employee'' means—

(A) any employee who—

(i) on—

(I) the day before the date of enactment of this Act—

(aa) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(bb) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(II) or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(ii) except as provided under paragraph (2), is not covered under—

(I) section 5941 of title 5, United States Code (as amended by section 1092 of this Act); and

(II) section 1094 of this Act; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code; or

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code; or

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this title (including the amendments made by this title) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 1092 of this Act), and section 1094 of this Act apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this title shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this title including section 5941 of title 5, United States Code (as amended by section 1092 of this Act), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''Section 5941,'' and inserting ''Except as provided under paragraph (2), section 5941'';

(C) by striking ''For purposes of such section,'' and inserting ''Except as provided under paragraph (2), for purposes of section 5941 of that title,''; and

(D) by adding at the end the following:

''(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2008—

''(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003(b) and (c) whose duty station is in a nonforeign area; and

''(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) section 6(b)(2) of that Act shall apply.''.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this title, any employee of the Postal Service (other than an employee covered by section 1003(b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2008 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 4.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 1097 or 1098 of this Act.

SEC. 1097. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means any employee—

(1) to whom section 1094 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2009, through December 31, 2011; and

(3) who files and election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2011.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2009 through the first applicable pay period ending on or after December 31, 2011, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 1094 of this Act did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if that subsection had been in effect during that period; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 1098. ELECTION OF COVERAGE BY EMPLOYEES.

(a) IN GENERAL.—Notwithstanding any other provision of this title (other than section 1096(b)), an employee may make an irrevocable election in accordance with this section, if—

(1) that employee is paid an allowance under section 5941 of title 5, United States Code, during a pay period in which the date of the enactment of this Act occurs; or

(2) that employee—

(A) is a covered employee as defined under section 6(a)(1); and

(B) during a pay period in which the date of the enactment of this Act occurs is paid an allowance—

(i) under section 1603(b) of title 10, United States Code;

(ii) under section 1005(b) of title 39, United States Code; or

(iii) based on section 5941 of title 5, United States Code.

(b) FILING ELECTION.—Not later than 60 days after the date of enactment of this Act, an employee described under subsection (a) may file an election with the Office of Personnel Management to be treated for all purposes—

(1) in accordance with the provisions of this title (including the amendments made by this title); or

(2) as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee shall be the cost-of-living allowance rate in effect on December 31, 2008, for that employee without any adjustment after that date.

(c) FAILURE TO FILE.—Failure to make a timely election under this section shall be treated in the same manner as an election made under subsection (b)(1) on the last day authorized under that subsection.

(d) NOTICE.—To the greatest extent practicable, the Office of Personnel Management shall provide timely notice of the election

which may be filed under this section to employees described under subsection (a).

SEC. 1099. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this title, including—

(1) rules for special rate employees described under section 3;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 1094 ending on the first day of the first pay period beginning on or after January 1, 2011; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2011.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this title with respect to employees in such pay system, consistent with the regulations issued by the Office under subsection (a).

SEC. 1099a. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 1092 and the provisions of section 1094 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2009.

SA 5449. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 344. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is amended—

(1) by striking ''No Federal agency'' and inserting the following:

''(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) shall not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is produced in whole or in part from a nonconventional petroleum source, if—

''(1) the contract does not specifically require the contractor to provide a fuel from a nonconventional petroleum source;

''(2) the purpose of the contract is not to obtain a fuel from a nonconventional petroleum source;

''(3) the contract does not provide incentives (excluding compensation at market prices for the purchase of fuel purchased) for a refinery upgrade or expansion to allow a refinery to use or increase the use by the refinery of fuel from a nonconventional petroleum source; and

''(4) in the case of a fuel predominantly produced from a nonconventional petroleum source, obtaining an alternative supply is not practicable due to unavailability or substantial additional costs.''.

SA 5450. Mrs. MCCASKILL (for herself, Mr. KENNEDY, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. INDEPENDENT STUDENT.

(a) AMENDMENT.—Section 480(d)(1)(D) of the Higher Education Act of 1965 (as amended by Public Law 110–84) (20 U.S.C. 1087vv(d)(1)(D)) is amended—

(1) by striking ''(c)(1)) or is'' and inserting ''(c)(1)), is''; and

(2) by inserting '', or is a current active member of the National Guard or Reserve who has completed initial military training'' after ''purposes''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective on July 1, 2009.

SA 5451. Mr. FEINGOLD (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—COMMISSIONS ON TREATMENT OF EUROPEAN AMERICANS, EUROPEAN LATIN AMERICANS, AND JEWISH REFUGEES DURING WORLD WAR II

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Wartime Treatment Study Act''.

SEC. 1702. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as ''enemy aliens'' more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification and limited their travel and personal property rights. At that time, these groups were the 2 largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, many European Latin Americans, including German and Austrian Jews, were arrested, brought to the United States, and interned. Many were later expatriated, repatriated, or deported to European Axis nations during World War II, many to be exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the Italian American and German American communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 1703. DEFINITIONS.

In this title:

(1) DURING WORLD WAR II.—The term ''during World War II'' refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term ''European Americans'' refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term ''Italian Americans'' refers to United States citizens and resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term ''German Americans'' refers to United States citizens and resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term ''European Latin Americans'' refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

(4) LATIN AMERICAN NATION.—The term ''Latin American nation'' refers to any nation in Central America, South America, or the Carribean.

Subtitle A—Commission on Wartime Treatment of European Americans

SEC. 1711. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this subtitle as the ''European American Commission'').

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of the enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of the enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 1712. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportation of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A comprehensive review of United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as ''World War II detention facilities'');

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21 et seq.), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 101(e).

SEC. 1713. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 1714. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 1715. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. 1716. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

Subtitle B—Commission on Wartime Treatment of Jewish Refugees

SEC. 1721. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this subtitle as the ''Jewish Refugee Commission'').

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days

after the date of the enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of the enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 1722. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 1721(e).

SEC. 1723. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 1724. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 1725. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. 1726. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

SA 5452. Mr. LEVIN (for himself, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 342, between lines 10 and 11, insert the following:

SEC. 1208. EXPANSION AND EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) EXTENSION OF AUTHORITY.—Paragraph (2) of subsection (a) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1593) and section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is amended by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

(b) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section 1033 is amended by adding at the end the following new paragraphs:

''(19) The Government of El Salvador.

''(20) The Government of Nicaragua.

''(21) The Government of Honduras.''.

(c) MAXIMUM ANNUAL AMOUNTS OF SUPPORT.—Subsection (e)(2) of such section is amended—

(1) by striking ''or'' after ''2006''; and

(2) by inserting before the period at the end the following: '', or $75,000,000 during either of the fiscal years 2009 and 2010''.

SA 5453. Mr. SPECTER (for himself, and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE—NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2008

SEC. ___. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2008.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2008'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any

other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

SA 5454. Mr. SPECTER (for himself, Mr. DEMINT, Mr. SESSIONS, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMMIGRANT REPATRIATION.

(a) SHORT TITLE.—This section may be cited as the ''Accountability in Immigrant Repatriation Act''.

(b) PROHIBITION ON FEDERAL FINANCIAL ASSISTANCE TO COUNTRIES THAT DENY OR UNREASONABLY DELAY THE ACCEPTANCE OF NATIONALS WHO HAVE BEEN ORDERED REMOVED FROM THE UNITED STATES.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) by redesignating section 135, as added by section 5(a) of Public Law 109–121, as section 136; and

(2) by adding at the end the following:

''SEC. 137. PROHIBITION ON FEDERAL FINANCIAL ASSISTANCE TO COUNTRIES THAT DENY OR UNREASONABLY DELAY THE REPATRIATION OF NATIONALS WHO HAVE BEEN ORDERED REMOVED FROM THE UNITED STATES.

''(a) IN GENERAL.—Except as otherwise provided under this section, funds made available under this Act may not be dispersed to a foreign country that refuses or unreasonably delays the acceptance of an alien who—

''(1) is a citizen, subject, national, or resident of such country; and

''(2) has received a final order of removal under chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.).

''(b) DEFINED TERM.—In this section and in section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)), a country is deemed to have refused or unreasonable delayed the acceptance of an alien who is a citizen, subject, national, or resident if the country does not accept the alien within 90 days after receiving a request to repatriate such alien from an official of the United States who is authorized to make such a request.

''(c) QUARTERLY REPORTS.—Not later than 90 days after the date of the enactment of this section, and every 3 months thereafter, the Secretary of Homeland Security shall submit a report to the Senate and to the House of Representatives that—

''(1) lists all the countries which refuse or unreasonably delay repatriation (as defined in subsection (b)); and

''(2) includes the total number of aliens who were refused repatriation, organized by—

''(A) country;

''(B) detention status; and

''(C) criminal status.

''(d) ISSUANCE OF TRAVEL DOCUMENTS.—Any country that is listed in a report submitted under subsection (c) shall be subject to the sanctions described in subsection (a) and in section 243(d) of the Immigration and Nationality Act unless the country issues appropriate travel documents—

''(1) not later than 100 days after the submission of such report on behalf of all aliens described in subsection (a) who have been convicted of a crime committed while in the United States; and

''(2) not later than 200 days after the submission of such report on behalf of all other aliens described in subsection (a).

''(e) WAIVER.—

''(1) REQUEST.—The President or a member of the President's cabinet who has been designated by the President, may submit a written request to Congress that this section be waived, wholly or in part, with respect to any country.

''(2) RESOLUTION OF APPROVAL.—Not later than 7 legislative days after the receipt of a waiver request under paragraph (1), the Senate and the House of Representatives shall vote on a joint resolution authorizing the waiver request.

''(3) EFFECT OF FAILURE TO VOTE.—If the Senate or the House of Representatives fails to vote on the joint resolution described in paragraph (2) before the end of the time period specified in paragraph (2), the waiver request is effectively denied.

''(f) STANDING.—A victim or an immediate family member of a victim of a crime committed by any alien described in subsection (a) after such alien has been issued a final order of removal shall have standing to sue in any Federal district court to enforce the provisions of this section and the provisions of section 243(d) of the Immigration and Nationality Act. No attorney's fees or monetary judgments may be awarded in a suit filed under this subsection.''.

(c) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIENS.—Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended to read as follows:

''(d) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIENS.—

''(1) IN GENERAL.—If a country is listed on the most recent report submitted by the Secretary of Homeland Security to Congress under section 137(c) of the Foreign Assistance Act of 1961, the Secretary may not issue a visa to a subject, national, or resident of such country unless—

''(A) the country is in full compliance with section 137(d) of such Act; or

''(B) Congress passes a joint resolution providing for the waiver of this subsection with respect to such country.

''(2) EFFECT OF UNAUTHORIZED ISSUANCE.—Any visa issued in violation of this paragraph shall be null and void.

''(3) WAIVER.—

''(A) REQUEST.—The President or a member of the President's cabinet who has been designated by the President, may submit a written request to Congress that this subsection be waived, wholly or in part, with respect to any country.

''(B) RESOLUTION OF APPROVAL.—Not later than 7 legislative days after the receipt of a request described in subparagraph (A), the Senate and the House of Representatives shall vote on a joint resolution authorizing the waiver request.

''(C) EFFECT OF FAILURE TO VOTE.—If the Senate or the House of Representatives fails to vote on the joint resolution described in subparagraph (B), the waiver request is effectively denied.

''(4) STANDING.—A victim or an immediate family member of a victim of a crime committed by any alien described in section 137(a) of the Foreign Assistance Act of 1961 after such alien has been issued a final order of removal shall have standing to sue in any Federal district court to enforce the provisions of this subsection. No attorney's fees or monetary judgments may be awarded in a suit filed under this subsection.''.

SA 5455. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. OIL SAVINGS.

(a) FINDINGS.—Congress finds that—

(1) the United States imports more oil from the Middle East today than before the attacks on the United States on September 11, 2001;

(2) the United States remains the most oil-dependent industrialized nation in the world, consuming approximately 25 percent of the oil supply of the world;

(3) the Department of Defense is the largest consumer of oil in the United States;

(4) the ongoing dependence of the United States on foreign oil is one of the greatest threats to the national security and economy of the United States; and

(5) the United States needs to take transformative steps to wean itself from its addiction to oil.

(b) POLICY ON REDUCING OIL DEPENDENCE.—It is the policy of the United States to reduce the dependence of the United States on oil, and thereby—

(1) alleviate the strategic dependence of the United States on oil-producing countries;

(2) reduce the economic vulnerability of the United States; and

(3) reduce the greenhouse gas emissions associated with oil use.

(c) OIL SAVINGS REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act and every 3 years thereafter, the Secretary of Defense shall submit to Congress a report on options for agency action that, when taken together, would save from the baseline determined under paragraph (4)—

(A) 8 percent of the oil consumed by the Department of Defense per day on average during calendar year 2016;

(B) 35 percent of the oil consumed by the Department of Defense per day on average during calendar year 2026; and

(C) 50 percent of the oil consumed by the Department of Defense per day on average during calendar year 2030.

(2) CONTENTS.—Each report shall—

(A) include a description of the advantages and disadvantages (including implications for national security) for each option; and

(B) not include options for an alternative or synthetic fuel if the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel is greater than the emissions from the equivalent quantity of conventional fuel produced from conventional petroleum sources.

(3) ADDITIONAL LEGISLATIVE AUTHORITY.—Each report may include a request to Congress for any additional legislative authority that is necessary to implement any recommendations made in the report.

(4) BASELINE.—In performing the analyses required for the report, the Secretary of Defense (in consultation with the Energy Information Administration) shall—

(A) determine oil savings as the projected reduction in oil consumption from baseline consumption by the Department of Defense as established by the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2008'';

(B) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2030; and

(C) account for any overlap among implementation actions to ensure that the projected oil savings from all the recommendations, taken together, are as accurate as practicable.

(d) ANNUAL REPORT ON OIL SAVINGS MEASURES.—Not later than 1 year after the date of initial oil savings report under subsection (c) and annually thereafter, the Secretary of Defense shall submit to Congress a report that describes and evaluates the oil savings measures that the Department of Defense has implemented during the prior year.

(e) RELATIONSHIP TO OTHER LAWS.—Nothing in this section affects the authority provided or responsibility delegated under any other law.

SA 5456. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal years, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 344. RECOMMENDATIONS FOR MITIGATING THE IMPACT OF ENERGY TECHNOLOGIES ON MILITARY ACTIVITIES OR READINESS.

(a) ADVISORY COMMITTEE FOR RECOMMENDATIONS.—

(1) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense an advisory committee to make recommendations to the Secretary for the mitigation of adverse impacts of energy technologies (including petroleum, natural gas, oil shale, tar sands, wind energy, solar energy, geothermal energy, or biomass energy projects) on military training, operations, activities, or readiness.

(2) MEMBERS.—The advisory committee shall be composed of such individuals as the Secretary shall designate for purposes of this section, including individuals with an expertise in each of the energy technologies and their interaction with military training, operation, activities and readiness.

(b) DEVELOPMENT OF RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the establishment of the advisory committee required under subsection (a), the advisory committee shall develop and submit to the Secretary such recommendations as the advisory committee considers appropriate under that subsection.

(2) CONSULTATION.—In developing recommendations under paragraph (1), the advisory committee shall consult with such technical experts, interested parties, representatives of energy industries, other Federal agencies, and members of the public as the advisory committee considers appropriate.

(c) DESIGNATION OF OFFICIAL.—Not later than 90 days after the receipt under subsection (b) of the recommendations required under that subsection, the Secretary shall assign to an official within the Department of Defense the responsibility for advising officials of the Department, agencies of the Federal government and State governments, and private sector entities on steps that should be taken to mitigate any adverse impacts of energy technologies or projects on military training, operations, activities, or readiness.

(d) REPORT.—The Secretary shall submit to Congress a report setting forth the findings and recommendations of the advisory committee. The report shall include the following:

(1) A comprehensive description of the recommendations made by the advisory committee.

(2) The official assigned the responsibility for providing advice in accordance with subsection (c).

SA 5457. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—VETERANS MEDICAL FACILITY MATTERS

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Captain James A. Lovell Federal Health Care Center Act of 2008''.

SEC. 1702. TRANSFER OF PROPERTY.

(a) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Upon the conclusion of a resource-sharing agreement between the Secretary of Defense and the Secretary of Veterans Affairs providing for the joint use by the Department of Defense and the Department of Veterans Affairs of a facility and supporting facilities in North Chicago, Illinois, and Great Lakes, Illinois, and for joint use of related medical personal property and equipment, the Secretary of Defense may transfer, without reimbursement, to the Department of Veterans Affairs the Navy ambulatory care center (on which construction commenced in July 2008), parking structure, and supporting facilities, and related medical personal property and equipment, located in Great Lakes, Illinois.

(2) DESIGNATION OF JOINT USE FACILITY.—The facility and supporting facilities subject to joint use under the agreement and transfer under this subsection shall be designated as known as the ''Captain James A. Lovell Federal Health Care Center''.

(b) REVERSION.—

(1) IN GENERAL.—If any of the real and related personal property transferred pursuant to subsection (a) is subsequently used for purposes other than the purposes specified in the joint use specified in the resource-sharing agreement described in that subsection or otherwise determined by the Secretary of Veterans Affairs to be excess to the needs of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall offer to transfer such property, without reimbursement, to the Secretary of Defense. Any such transfer shall be completed not later than one year after the acceptance of the offer of transfer.

(2) REVERSION IN EVENT OF LACK OF FACILITIES INTEGRATION.—

(A) WITHIN INITIAL PERIOD.—During the 5-year period beginning on the date of the transfer of the real and related personal property described in subsection (a), if the Secretary of Veterans Affairs and the Secretary of Defense jointly determine that the integration of the facilities described in that subsection should not continue, the real and related personal property of the Navy ambulatory care center, parking structure, and support facilities described in that subsection shall be transferred, without reimbursement, to the Secretary of Defense. Such transfer shall occur not later than 180 days after the date of such determination by the Secretaries.

(B) AFTER INITIAL PERIOD.—After the end of the 5-year period described in subparagraph (A), if either the Secretary of Veterans Affairs or the Secretary of Defense determines that the integration of the facilities described in subsection (a) should not continue, the Secretary of Veterans Affairs shall transfer, without reimbursement, to the Secretary of Defense the real and related personal property described in paragraph (1). Such transfer shall occur not later than one year after the date of the determination by the Secretary concerned.

SEC. 1703. TRANSFER OF CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) AUTHORIZATION FOR TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—The Secretary of Defense may transfer to the Department of Veterans Affairs, and the Secretary of Veterans Affairs may accept from the Department of Defense, functions necessary for the effective operation of the Captain James A. Lovell Federal Health Care Center.

(2) TREATMENT OF TRANSFERS.—Any transfer of functions under this subsection is a transfer of functions within the meaning of section 3503 of title 5, United States Code.

(b) TERMS OF AGREEMENT.—

(1) RESOURCE-SHARING AGREEMENT.—Any transfer of functions under subsection (a) shall be effectuated in a resource-sharing agreement between the Secretary of Defense and the Secretary of Veterans Affairs.

(2) ELEMENTS.—Notwithstanding any other provision of law, including but not limited to any provisions of title 5, United States Code, relating to transfers of function or reductions-in-force, the agreement described in paragraph (1) shall be controlling and may make provision for—

(A) the transfer of civilian employee positions of the Department of Defense identified in the agreement to the Department of Veterans Affairs and of the incumbent civilian employees in such positions;

(B) the transition of transferred employees to pay, benefits, and personnel systems of the Department of Veterans Affairs in a manner which will not result in any reduction of pay, grade, or employment progression of any employee or any change in employment status for employees who have already successfully completed or are in the process of completing a one-year probationary period under title 5, United States Code;

(C) the establishment of integrated seniority lists and other personnel management provisions that recognize an employee's experience and training so as to provide comparable recognition of employees previously with the Department of Veterans Affairs and employees newly transferred to such Department; and

(D) such other matters relating to civilian personnel management as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(c) PRESERVATION OF AUTHORITY.—Notwithstanding subsections (a) and (b), nothing in this section shall be construed as limiting the authority of the Secretary of Defense to establish civilian employee positions in the Department of Defense and utilize all civilian personnel authorities otherwise available to the Secretary if the Secretary determines that such actions are necessary and appropriate to meet mission requirements of the Department of Defense.

SEC. 1704. EXTENSION AND EXPANSION OF JOINT INCENTIVE FUND.

(a) TEN-YEAR EXTENSION OF AUTHORITY FOR JOINT INCENTIVES PROGRAM.—Paragraph (3) of section 8111(d) of title 38, United States Code, is amended by striking ''2010'' and inserting ''2020''.

(b) FUNDING OF MAINTENANCE AND MINOR CONSTRUCTION FROM THE JOINT INCENTIVE FUND.—Paragraph (2) of such section is amended by adding at the end the following new sentence: ''Such purposes shall include real property maintenance and minor construction projects that are not required to be specifically authorized by law under section 8104 of this title and section 2805 of title 10.''.

SEC. 1705. HEALTH CARE ELIGIBILITY FOR SERVICES AT THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) IN GENERAL.—For purposes of eligibility for health care under chapter 55 of title 10, United States Code, the Captain James A. Lovell Federal Health Care Center authorized by this title may be deemed to be a facility of the uniformed services to the extent provided in an agreement between the Secretary of Defense and the Secretary of Veterans Affairs under subsection (b).

(b) ELEMENTS OF AGREEMENT.—Subsection (a) may be implemented through an agreement between the Secretary of Veterans Affairs and the Secretary of Defense. The agreement may—

(1) establish an integrated priority list for access to available care at the facility described in subsection (a), integrating the respective priority lists of the Secretaries, taking into account categories of beneficiaries, enrollment program status, and such other factors as the Secretaries determine appropriate;

(2) incorporate any resource-related limitations for access to care at that facility established by the Secretary of Defense for purposes of administering space-available eligibility for care in facilities of the uniformed services under chapter 55 of title 10, United States Code;

(3) allocate financial responsibility for care provided at that facility for individuals who are eligible for care under both title 38, United States Code, and chapter 55 of title 10, United States Code; and

(4) waive the applicability to that facility of any provision of section 8111(e) of title 38, United States Code, as specified by the Secretaries.

SA 5458. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. REQUIREMENT FOR PROVISION OF MEDICAL AND DENTAL SCREENING FOR READY RESERVE MEMBERS ALERTED FOR MOBILIZATION.

Section 1074a(f)(1) of title 10, United States Code, is amended by striking ''may provide'' and inserting ''shall provide''.

SA 5459. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 152. AC–130 GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than December 31, 2008, the Secretary of the Air Force shall submit to the congressional defense committees an assessment of the reduction in the service life of AC–130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year of the average of their operating rate for the last five years.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC–130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC–130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC–130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC–130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC–130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(6) An estimate of the costs of replacing the AC–130 gunships with AC–130J gunships, including—

(A) a description of the time required for the replacement of every AC–130 gunship with an AC–130J gunship; and

(B) a comparative analysis of the costs of operation of AC–130 gunships by series, including costs of operation, maintenance, and personnel, with the anticipated costs of operation of AC–130J gunships.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 5460. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3116. STUDY ON SURVEILLANCE OF THE NUCLEAR WEAPONS STOCKPILE.

(a) STUDY.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall enter into a contract with the private scientific advisory group known as JASON to conduct an independent technical study of the efforts of the National Nuclear Security Administration to monitor the aging of, and to detect defects related to aging in, nuclear weapons components and materials that could affect the reliability of nuclear weapons currently in the nuclear weapons stockpile.

(2) AVAILABILITY OF INFORMATION.—The Administrator shall make available to JASON all information necessary to complete the study on a timely basis.

(b) ELEMENTS.—The study required under subsection (a) shall include an assessment of the following:

(1) The ability of the National Nuclear Security Administration to monitor and measure the effects of aging on, and defects relating to aging in, nuclear weapons components and materials, other than plutonium pits, that could affect the reliability of nuclear weapons in the nuclear weapons stockpile.

(2) Available methods for addressing such effects.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report containing—

(A) the findings of the study; and

(B) recommendations for improving efforts within the Directed Stockpile Work Program, the Science Campaign, and the Engineering Campaign of the National Nuclear Security Administration to monitor the effects of aging on, and to detect defects related to aging in, the nuclear weapons stockpile between fiscal year 2009 and fiscal year 2014.

(2) FORM OF REPORT.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

SA 5461. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 20, add the following:

SEC. 314. EXTENSION AND EXPANSION OF REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAMS.

Section 317(e) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1054) is amended to read as follows:

''(e) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Not later than January 1, 2002, and each January 1 thereafter through 2013, the Secretary shall submit to the congressional defense a report regarding progress made toward achieving the energy efficiency goals of the Department of Defense, consistent with the provisions of section 303 of Executive Order 13123 (64 Fed. Reg. 30851; 42 U.S.C. 8521 note) and section 11(b) of Executive Order 13423 (72 Fed. Reg. 3919; 42 U.S.C. 4321 note).

''(2) REPORTS SUBMITTED AFTER JANUARY 1, 2008.—Each report required under paragraph (1) that is submitted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009 shall include the following:

''(A) A description of steps taken to ensure that facility and installation management goals are consistent with current legislative and other requirements, including applicable requirements under the Energy Independence and Security Act of 2007 (Public Law 110–140).

''(B) A description of steps taken to determine best practices for measuring energy consumption in Department of Defense facilities and installations in order to use the data for better energy management.

''(C) A description of steps taken to comply with requirements of the Energy Independence and Security Act of 2007, including new design and construction requirements for buildings.

''(D) A description of steps taken to comply with section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b), requiring the General Services Administration and the Defense Logistics Agency to supply Energy Star and Federal Energy Management Program (FEMP) designated products to its Department of Defense customers.

''(E) A description of steps taken to ensure the use of Energy Star and FEMP designated products at military installations in government or contract maintenance activities.

''(F) A description of steps taken to comply with standards required for projects built using appropriated funds and established by the Energy Independence and Security Act of 2007 for privatized construction projects, whether residential, administrative, or industrial.

''(G) A classified annex that provides—

''(i) a systematic assessment of the risk of extended commercial power outage to critical installations;

''(ii) details on the investment strategy of the Department of Defense to reduce risks to acceptable levels based on application of Integrated Risk Management principals; and

''(iii) risk reduction solutions that emphasize the use of clean renewable energy sources and higher energy efficiency.''.

SA 5462. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1041. CONSIDERATION OF ADVISORY MISSIONS BY THE DEPARTMENT OF DEFENSE IN SUPPORT OF UNITED STATES EFFORTS TO BUILD PARTNER CAPACITY IN THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) IN GENERAL.—In conducting the quadrennial defense review required in 2009 by section 118 of title 10, United States Code, the Secretary of Defense shall assess the following:

(1) The advisability of advisory missions by the Department of Defense in support of United States efforts to build partner capacity, including advisory missions as follows:

(A) Combat advisory missions to train ground forces and air forces of partner countries.

(B) Advisory missions to the defense ministries of partner countries.

(2) The forces, whether general purposes forces or special operations forces, that are the most effective means of undertaking the future advisory missions of the Department as described in paragraph (1).

(3) The modifications in the force structure necessary to ensure the continued effectiveness of the advisory missions of the Department as described in paragraph (1).

(b) SUBMITTAL TO CONGRESS.—The quadrennial defense review required to be submitted to Congress under section 118(d) of title 10, United States Code, in 2010 shall include a separate discussion of the results of the assessment required by subsection (a).

SA 5463. Mr. SPECTER (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE __—FREE SPEECH PROTECTION ACT OF 2008

SEC. 01. SHORT TITLE.

This title may be cited as the ''Free Speech Protection Act of 2008''.

SEC. 02. FINDINGS.

Congress finds the following:

(1) The freedom of speech and the press is enshrined in the first amendment to the Constitution of the United States.

(2) Free speech, the free exchange of information, and the free expression of ideas and opinions are essential to the functioning of representative democracy in the United States.

(3) The free expression and publication by journalists, academics, commentators, experts, and others of the information they uncover and develop through research and study is essential to the formation of sound public policy and thus to the security of the people of the United States.

(4) The first amendment jurisprudence of the Supreme Court of the United States, articulated in such precedents as New York Times v. Sullivan (376 U.S. 254 (1964)), and its progeny, reflects the fundamental value that the people of the United States place on promoting the free exchange of ideas and information, requiring in cases involving public figures a demonstration of actual malice, that is, that allegedly defamatory, libelous, or slanderous statements about public figures are not merely false but made with knowledge of that falsity or with reckless disregard of their truth or falsity.

(5) Some persons are obstructing the free expression rights of United States persons, and the vital interest of the people of the United States in receiving information on matters of public importance, by first seeking out foreign jurisdictions that do not provide the full extent of free-speech protection that is fundamental in the United States and then suing United States persons in such jurisdictions in defamation actions based on speech uttered or published in the United States, speech that is fully protected under first amendment jurisprudence in the United States and the laws of the several States and the District of Columbia.

(6) Some of these actions are intended not only to suppress the free speech rights of journalists, academics, commentators, experts, and other individuals but to intimidate publishers and other organizations that might otherwise disseminate or support the work of those individuals with the threat of prohibitive foreign lawsuits, litigation expenses, and judgments that provide for money damages and other speech-suppressing relief.

(7) The governments and courts of some foreign countries have failed to curtail this practice, permitting lawsuits filed by persons who are often not citizens of those countries, under circumstances where there is often little or no basis for jurisdiction over the United States persons against whom such suits are brought.

(8) Some of the plaintiffs bringing such suits are intentionally and strategically refraining from filing their suits in the United States, even though the speech at issue was published in the United States, in order to avoid the Supreme Court's first amendment jurisprudence and frustrate the protections it affords United States persons.

(9) The United States persons against whom such suits are brought must consequently endure the prohibitive expense, inconvenience, and anxiety attendant to being sued in foreign courts for conduct that is protected under the first amendment, or decline to answer such suits and risk the entry of costly default judgments that may be executed in countries other than the United States where those individuals travel or own property.

(10) Journalists, academics, commentators, experts, and others subjected to such suits are suffering concrete and profound financial and professional damage for engaging in conduct that is protected under the Constitution of the United States and essential to informing the people of the United States, their representatives, and other policymakers.

(11) In turn, the people of the United States are suffering concrete and profound harm because they, their representatives, and other government policymakers rely on the free expression of information, ideas, and opinions developed by responsible journalists, academics, commentators, experts, and others for the formulation of sound public policy, including national security policy.

(12) The United States respects the sovereign right of other countries to enact their own laws regarding speech, and seeks only to protect the first amendment rights of the people of the United States in connection with speech that occurs, in whole or in part, in the United States.

SEC. 03. FEDERAL CAUSE OF ACTION.

(a) CAUSE OF ACTION.—Any United States person against whom a lawsuit is brought in a foreign country for defamation on the basis of the content of any writing, utterance, or other speech by that person that has been

published, uttered, or otherwise disseminated in the United States may bring an action in a United States district court specified in subsection (f) against any person who, or entity which, serves or causes to be served, in the United States, any documents in connection with such foreign lawsuit, if the writing, utterance, or other speech at issue in the foreign lawsuit does not constitute defamation under United States law.

(b) JURISDICTION.—It shall be sufficient to establish jurisdiction over the person or entity serving or causing to be served documents in connection with the foreign lawsuit described in subsection (a) that—

(1) such person or entity has served or caused to be served, any documents in connection with the foreign lawsuit described in subsection (a) on a United States person in the United States; and

(2) such United States person has assets in the United States against which the claimant in the foreign lawsuit could execute if a judgment in the foreign lawsuit were awarded.

(c) REMEDIES.—

(1) ORDER TO BAR ENFORCEMENT AND OTHER INJUNCTIVE RELIEF.—In a cause of action described in subsection (a), if the court determines that the applicable writing, utterance, or other speech at issue in the underlying foreign lawsuit does not constitute defamation under United States law, the court shall order that any foreign judgment in the foreign lawsuit in question may not be enforced in the United States, including by any Federal, State, or local court, and may order such other injunctive relief that the court considers appropriate to protect the right to free speech under the first amendment to the Constitution of the United States.

(2) DAMAGES.—In addition to the remedy under paragraph (1), damages may be awarded to the United States person bringing the action under subsection (a), based on the following:

(A) The amount of any foreign judgment in the underlying foreign lawsuit.

(B) The costs, including reasonable legal fees, attributable to the underlying foreign lawsuit that have been borne by the United States person.

(C) The harm caused to the United States person due to decreased opportunities to publish, conduct research, or generate funding.

(d) TREBLE DAMAGES.—If, in an action brought under subsection (a), the court or, if applicable, the jury determines by a preponderance of the evidence that the person or entity bringing the foreign lawsuit which gave rise to the cause of action intentionally engaged in a scheme to suppress rights under the first amendment to the Constitution of the United States by discouraging publishers or other media from publishing, or discouraging employers, contractors, donors, sponsors, or similar financial supporters from employing, retaining, or supporting, the research, writing, or other speech of a journalist, academic, commentator, expert, or other individual, the court may award treble damages.

(e) EXPEDITED DISCOVERY.—Upon the filing of an action under subsection (a), the court may order expedited discovery if the court determines, based on the allegations in the complaint, that the speech at issue in the underlying foreign lawsuit is protected under the first amendment to the Constitution of the United States.

(f) VENUE.—An action under subsection (a) may be brought by a United States person only in a United States district court in which the United States person is domiciled, does business, or owns real property that could be executed against in satisfaction of a judgment in the underlying foreign lawsuit which gave rise to the action.

(g) TIMING OF ACTION; STATUTE OF LIMITATIONS.—

(1) TIMING.—An action under subsection (a) may be commenced after the filing of the foreign lawsuit in a foreign country on which the action is based.

(2) STATUTE OF LIMITATIONS.—For purposes of section 1658(a) of title 28, United States Code, the cause of action under subsection (a) accrues on the first date on which papers in connection with the foreign lawsuit described in section (a), on which the cause of action is based, are served on a United States person in the United States.

SEC. 04. APPLICABILITY.

This title applies with respect to any foreign lawsuit that is described in section 3(a) in connection with papers that were served before, on, or after the date of the enactment of this title.

SEC. 05. CONSTRUCTION.

Nothing in this title limits the right of foreign litigants who bring good faith defamation actions to prevail against journalists, academics, commentators, and others who have failed to adhere to standards of professionalism by publishing false information maliciously or recklessly.

SEC. 06. DEFINITIONS.

In this title:

(1) DEFAMATION.—The term ''defamation'' means any action or other proceeding for defamation, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented a person or persons in a negative light, or have resulted in criticism or condemnation of a person or persons.

(2) FOREIGN COUNTRY.—The term ''foreign country'' means any country other than the United States.

(3) FOREIGN JUDGMENT.—The term ''foreign judgment'' means any judgment of a foreign country, including the court system or an agency of a foreign country, that grants or denies any form of relief, including injunctive relief and monetary damages, in a defamation action.

(4) FOREIGN LAWSUIT.—The term ''foreign lawsuit'' includes any other hearing or proceeding in or before any court, grand jury, department, office, agency, commission, regulatory body, legislative committee, or other authority of a foreign country or political subdivision thereof.

(5) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(6) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen;

(B) an alien lawfully admitted for permanent residence to the United States;

(C) an alien lawfully residing in the United States at the time that the speech that is the subject of the foreign defamation suit or proceeding was researched, prepared, or disseminated; or

(D) a business entity incorporated in, or with its primary location or place of operation in, the United States.

SA 5464. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 20, add the following:

SEC. 314. STUDY AND EVALUATION OF POLICIES CONCERNING THE RE-USE, RE-REFINING, OR RECYCLING OF USED FUELS AND LUBRICATING OILS.

(a) STUDY AND EVALUATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report reviewing the policies and programs of the Department of Defense concerning the re-use, re-refining, or recycling of used fuels and lubricating oils for the purpose of identifying cost-savings, energy conservation, and environmental benefits.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an evaluation of the existing closed loop recycling process offered through the Defense Supply Center Richmond, Virginia;

(2) an assessment of existing programs at the military installation level;

(3) an identification of what regulatory or other barriers may exist that constrain the ability of the Department of Defense to re-use, re-refine, or recycle used fuels and lubricating oils; and

(4) an estimate of projected cost-savings, energy conservation, and environmental benefits through these Department of Defense programs.

SA 5465. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1222. SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.

(a) IN GENERAL.—Subject to subsection (c), the Secretary of Homeland Security, or, notwithstanding any other provision of law, the Secretary of State in consultation with the Secretary of Homeland Security, may provide an alien described in paragraph (1), (2), or (3) of subsection (b) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) or an agent acting on behalf of the alien, submits a petition for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(2) is otherwise eligible to receive an immigrant visa;

(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)); and

(4) clears a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien—

(A) is a citizen or national of Afghanistan;

(B) was or is employed by or on behalf of the United States Government in Afghanistan on or after October 7, 2001, for not less than one year;

(C) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation, subject to paragraph (4), from the employee's senior supervisor or the person currently occupying that position, or a more senior person, if the employee's senior supervisor has left the employer or has left Afghanistan; and

(D) has experienced or is experiencing an ongoing serious threat as a consequence of the alien's employment by the United States Government.

(2) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien—

(A) is the spouse or child of a principal alien described in paragraph (1); and

(B) is accompanying or following to join the principal alien in the United States.

(3) TREATMENT OF SURVIVING SPOUSE OR CHILD.—An alien is described in this paragraph if the alien—

(A) was the spouse or child of a principal alien described in paragraph (1) who had a petition for classification approved pursuant to this section or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note), which included the alien as an accompanying spouse or child; and

(B) due to the death of the principal alien—

(i) such petition was revoked or terminate (or otherwise rendered null); and

(ii) such petition would have been approved if the principal alien had survived.

(4) APPROVAL BY CHIEF OF MISSION REQUIRED.—A recommendation or evaluation required under paragraph (1)(C) shall be accompanied by approval from the Chief of Mission, or the designee of the Chief of Mission, who shall conduct a risk assessment of the alien and an independent review of records maintained by the United States Government or hiring organization or entity to confirm employment and faithful and valuable service to the United States Government prior to approval of a petition under this section.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (3), the total number of principal aliens who may be provided special immigrant status under this section may not exceed 1500 per year for each fiscal year 2009, 2010, 2011, 2012, or 2013.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(3) CARRY FORWARD.—

(A) FISCAL YEARS 2009 THROUGH 2013.—If the numerical limitation specified in paragraph (1) is not reached during a given fiscal year referred to in such paragraph, with respect to fiscal year 2009, 2010, 2011, 2012, or 2013, the numerical limitation specified in such paragraph for the following fiscal year shall be increased by a number equal to the difference between—

(i) the numerical limitation specified in paragraph (1) for the given fiscal year; and

(ii) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(B) FISCAL YEAR 2014.—If the numerical limitation determined under subparagraph (A) is not reached in fiscal year 2013, the total number of principal aliens who may be provided special immigrant status under this section for fiscal year 2014 shall be equal to the difference between—

(i) the numerical limitation determined under subparagraph (A) for fiscal year 2013; and

(ii) the number of principal aliens provided such status under this section during fiscal year 2013.

(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in paragraph (1), (2), or (3) of subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall make a reasonable effort to ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Afghan passport necessary to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall make a reasonable effort to provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Afghanistan, if possible, of such alien if the Secretary determines after consultation that such alien is in imminent danger.

(f) ELIGIBILITY FOR ADMISSION UNDER OTHER CLASSIFICATION.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(g) RESETTLEMENT SUPPORT.—Afghan aliens granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed 8 months.

(h) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

(1) was paroled or admitted as a nonimmigrant into the United States; and

(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)).

(i) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note).

(j) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this section.

(2) CONTENT.—The report required by paragraph (1) shall address steps taken, and additional administrative measures that may be needed, to ensure program integrity and national security.

(3) ADMINISTRATIVE MEASURES.—The Secretary of State and the Secretary of Homeland Security shall implement such additional administrative measures identified in the report as the they may deem necessary and appropriate to ensure program integrity and national security.

SA 5466. Mr. SCHUMER (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mrs. CLINTON, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON DISCRIMINATION IN LIFE INSURANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), an insurer shall not—

(1) refuse to issue a policy to an individual;

(2) refuse to continue in effect the policy of an insured;

(3) limit or decrease the amount of coverage, extent of coverage, or type of coverage available under a policy to an individual; or

(4) require the payment of an additional amount as premiums for an insured under a policy (except increases in premiums in individual term insurance based upon age);

based on the lawful travel experiences of the individual or insured.

(b) EXCEPTION.—

(1) IN GENERAL.—Subsection (a) shall not apply if, with respect to the individual or insured involved, the insurer determines that—

(A) the risk of loss for the individual or insured because of travel to a specified destination at a specified time is reasonably anticipated to be greater than if the individual or insured did not travel to that destination at that time; and

(B) the risk classification referred to in subparagraph (A) is based on sound actuarial principles and actual or reasonably anticipated experience.

(2) DETERMINATIONS.—An insurer shall be deemed to meet the requirements of paragraph (1) if the action involved was taken by the insurer based on—

(A) the issuance by the Director of the Centers for Disease Control and Prevention of the highest level of alert or warning with respect to the travel destination involved, including a recommendation against non-essential travel to such destination, due to a serious health-related condition; or

(B) the existence of an ongoing armed conflict involving the military of a sovereign nation foreign to the country of conflict.

(c) DEFINITIONS.—In this section:

(1) INSURED.—The term ''insured'' means an individual whose life is insured under a policy.

(2) INSURER.—The term ''insurer'' includes any firm, corporation, partnership, association, or business that is chartered or authorized to provide insurance and issue contracts or policies by the laws of a State or the United States.

(3) POLICY.—The term ''policy'' means any individual contract for whole, endowment, universal, or term life insurance, including any benefit in the nature of such insurance arising out of membership in any fraternal or beneficial association.

(4) PREMIUM.—The term ''premium'' means the amount specified in an insurance policy to be paid to keep the policy in force.

SA 5467. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, between lines 6 and 7, insert the following:

SEC. 323. MODIFICATION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) CLARIFICATION OF AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENTS.—The second sentence of section 4544(a) of title 10, United States Code, as added by section 328(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 66), is amended by inserting after ''not more than eight contracts or cooperative agreements'' the following: ''in addition to the contracts and cooperative agreements in place as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181)''.

(b) ADDITIONAL ELEMENTS REQUIRED FOR ANALYSIS OF USE OF AUTHORITY.—Section 328(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 67) is amended—

(1) by striking ''a report assessing the advisability'' and inserting the following: ''a report—

''(A) assessing the advisability''; and

(2) by striking ''pursuant to such authority.'' and inserting the following: ''pursuant to such authority;

''(B) assessing the benefit to the Federal Government of using such authority;

''(C) assessing the impact of the use of such authority on the availability of facilities needed by the Army and on the private sector; and

''(D) describing the steps taken to comply with the requirements under section 4544(g) of title 10, United States Code.''.

SA 5468. Mr. INHOFE (for himself, Mr. CRAPO, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3104 and insert the following:

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $247,371,000.

(b) OFFSET.—The amount authorized to be appropriated by this division (other than the amount authorized to be appropriated for defense nuclear waste disposal) is hereby reduced by $50,000,000, with the amount of the reduction to be allocated among the accounts for which funds are authorized to be appropriated by this division in a manner specified by the Secretary of Energy.

SA 5469. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. SENSE OF SENATE ON CARE FOR WOUNDED WARRIORS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Wounded Warrior Act (title XVI of Public Law 110–181) established a comprehensive policy on improvements to care, management, and transition of recovering service members.

(2) This policy included guidance on Training and Skills of Health Care Professionals, Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members.

(3) The Department of Veterans Affairs currently has eight fully trained Recovery Care Coordinators in the field serving 123 wounded warriors with an additional two Recovery Care Coordinators in training and additional applicants being considered.

(4) The requirement for Recovery Care Coordinators and Medical Care Case Managers continues to exceed the current availability of these personnel within the Department of Veterans Affairs and Department of Defense.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Veterans Affairs and Department of Defense should—

(1) aggressively recruit, hire, and train individuals as Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members;

(2) establish partnerships between Department of Defense medical facilities and Department of Veterans Affairs medical facilities, on the one hand, and public and private institutions of higher education, on the other hand, to assist in training medical care case management personnel needed to support returning wounded and ill service members;

(3) work closely with public and private institutions of higher education to ensure the most current care management techniques and evidence-based guidelines are incorporated into training programs for Health Care Professionals, Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers; and

(4) ensure the availability of the services of Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers to any wounded and disabled recovering service members, who need or desire such services.

SA 5470. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 6 and 7, insert the following:

Subtitle G—SBIR and STTR Programs

SEC. 861. DEFINITIONS.

In this subtitle—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms ''extramural budget'', ''Federal agency'', ''Small Business Innovation Research Program'', ''SBIR'', ''Small Business Technology Transfer Program'', and ''STTR'' have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term ''small business concern'' has the same meaning as under section 3 of the Small Business Act (15 U.S.C. 632).

PART I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 871. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2022''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2009'' and inserting ''2023''.

SEC. 872. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

''(10) to maintain an Office of Technology—

''(A) to carry out its responsibilities under this section, headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

''(B) which shall be independent from the Office of Government Contracting and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.''.

SEC. 873. SBIR CAP INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end; and

(B) by striking subparagraph (C) and inserting the following:

''(C) not less than 2.5 percent of such budget in fiscal year 2009;

''(D) not less than 2.6 percent of such budget in fiscal year 2010;

''(E) not less than 2.7 percent of such budget in fiscal year 2011;

''(F) not less than 2.8 percent of such budget in fiscal year 2012;

''(G) not less than 2.9 percent of such budget in fiscal year 2013;

''(H) not less than 3.0 percent of such budget in fiscal year 2014;

''(I) not less than 3.1 percent of such budget in fiscal year 2015;

''(J) not less than 3.2 percent of such budget in fiscal year 2016;

''(K) not less than 3.3 percent of such budget in fiscal year 2017;

''(L) not less than 3.4 percent of such budget in fiscal year 2018; and

''(M) not less than 3.5 percent of such budget in fiscal year 2019 and each fiscal year thereafter,''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking ''A Federal agency'' and inserting the following:

''(A) IN GENERAL.—A Federal agency''; and

(C) by adding at the end the following:

''(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the increased percentage of expenditures required under subparagraphs (D) through (M) of paragraph (1) shall not be used for new Phase I or Phase II awards and shall be used for activities that further the technology readiness levels of technologies being developed under Phase II awards, including to conduct testing and evaluation, in order to promote the transition of such technologies into commercial or

defense products or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.

''(C) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Subparagraphs (D) through (M) of paragraph (1) shall not apply to the Department of Health and Human Services. For fiscal year 2009, and each fiscal year thereafter, the Department of Health and Human Services shall expend with small business concerns not less than 2.5 percent of the extramural budget for research or research and development of the department of Health and Human Services.''.

SEC. 874. STTR CAP INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''thereafter.'' and inserting ''through fiscal year 2009;''; and

(3) by adding at the end the following:

''(iii) 0.4 percent for fiscal years 2010 and 2011;

''(iv) 0.5 percent for fiscal years 2012 and 2013; and

''(v) 0.6 percent for fiscal year 2014 and each fiscal year thereafter.''.

SEC. 875. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(c) TRIENNIAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D)—

(A) by striking ''5 years'' and inserting ''3 years''; and

(B) by striking ''and programmatic considerations''; and

(2) in subsection (p)(2)(B)(ix) by striking ''greater or lesser amounts to be awarded at the discretion of the awarding agency,'' and inserting ''and an adjustment for inflation of such amounts once every 3 years,''.

(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(aa) LIMITATION ON CERTAIN AWARDS.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent. Participating agencies shall maintain information on awards exceeding the guidelines, including award amounts, justification for exceeding the amount, identities and locations of recipients, whether a recipient has received venture capital investment and, if so, if the recipient is majority-owned and controlled by multiple venture capital companies, and the Administration shall include such information in its annual report to Congress.''.

SEC. 876. AGENCY AND PROGRAM COLLABORATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(bb) SUBSEQUENT PHASES.—

''(1) AGENCY COLLABORATION.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency or its component makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administration for inclusion in the public database under subsection (k).

''(2) SBIR AND STTR COLLABORATION.—A small business concern which received an award under this section under the SBIR program or the STTR program may receive an award under this section for a subsequent phase in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administration for inclusion in the public database under subsection (k).''.

SEC. 877. ELIMINATION OF PHASE II INVITATIONS.

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking ''to further'' and inserting: ''not encumbered by any invitation, pre-screening, pre-selection, or down-selection process between the first phase and the second phase that will further''; and

(2) in paragraph (6)(B), by striking ''to further develop proposed ideas to'' and inserting ''not encumbered by any invitation, pre-screening, pre-selection, or down-selection process between the first phase and the second phase that will further develop proposals which''.

SEC. 878. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—

''(1) AUTHORITY AND DETERMINATION.—

''(A) IN GENERAL.—Upon a written determination provided not later than 30 days in advance to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives—

''(i) the head of the SBIR program of the National Institutes of Health may award not more than 18 percent of the SBIR funds of the National Institutes of Health allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns; and

''(ii) the head of any other Federal agency participating in the SBIR program may award not more than 8 percent of the SBIR funds of the Federal agency allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns.

''(B) DETERMINATION.—A written determination under subparagraph (A) shall demonstrate that the use of the authority under that subparagraph will induce additional venture capital funding of small business innovations, substantially contribute to the mission of the funding Federal agency, demonstrate a need for public research, and otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

''(2) QUALIFICATION REQUIREMENTS.—The Administrator shall establish requirements relating to the affiliation by small business concerns with venture capital companies, which may not exclude a United States small business concern from participation in the program under paragraph (1) on the basis that the small business concern is owned in majority part by, or controlled by, more than 1 United States venture capital company, so long as no single venture capital company owns more than 49 percent of the small business concern.

''(3) REGISTRATION.—Any small business concern that is majority owned and controlled by multiple venture capital companies and qualified for participation in the program authorized under paragraph (1) shall—

''(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

''(B) indicate whether the small business concern is registered under subparagraph (A) in any SBIR proposal.

''(4) COMPLIANCE.—A Federal agency described in paragraph (1) shall collect data regarding the number and dollar amounts of phase I, phase II, and all other categories of awards under the SBIR program, and the Administrator shall report on the data and the compliance of each such Federal agency with the maximum amounts under paragraph (1) as part of the annual report by the Administration under subsection (b)(7).

''(5) ENFORCEMENT.—If a Federal agency awards more than the amount authorized under paragraph (1) for a purpose described in paragraph (1), the amount awarded in excess of the amount authorized under paragraph (1) shall be transferred to the funds for general SBIR programs from the non-SBIR research and development funds of the Federal agency within 60 days of the date on which the Federal agency awarded more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(t) VENTURE CAPITAL COMPANY.—In this Act, the term 'venture capital company' means an entity described in clause (i), (v), or (vi) of section 121.103(b) of title 13, Code of Federal Regulations (or any successor thereto).''.

(c) ASSISTANCE FOR DETERMINING AFFILIATES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration (with a direct link displayed on the homepage of the website of the Administration or the SBIR website of the Administration)—

(1) a clear explanation of the SBIR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(2) contact information for officers or employees of the Administration who—

(A) upon request, shall review an issue relating to the rules described in paragraph (1); and

(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.

SEC. 879. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

''(4) PHASE III AWARDS.—Congress intends that, to the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards, including sole

source awards, to the SBIR and STTR award recipients that developed the technology.''.

SEC. 879A. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

''(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may issue SBIR and STTR awards to any eligible small business concern that—

''(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

''(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

''(2) PROHIBITION.—No Federal agency shall—

''(A) condition a SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

''(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR and STTR Policy Directives; or

''(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

''(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

''(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

''(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.''.

SEC. 879B. NOTICE REQUIREMENT.

The head of any Federal agency involved in a case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.

PART II—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 881. RURAL AND STATE OUTREACH.

(a) OUTREACH.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

''(s) OUTREACH.—

''(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State—

''(A) if the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than $5,000,000; and

''(B) that certifies to the Administration described in paragraph (2) that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

''(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for each of the fiscal years 2000 through 2014, the Administrator may expend with eligible States not more than $5,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

''(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

''(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and

''(B) shall not exceed $100,000.

''(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

''(A) the establishment of quantifiable performance goals, including goals relating to

''(i) the number of program awards under this section made to small business concerns in the State; and

''(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

''(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development;

''(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State; and

''(D) the establishment of initiatives to reach out to women and minorities with the goal of increasing their involvement in the SBIR and STTR programs.''.

(b) FEDERAL AND STATE PROGRAM EXTENSION.—Section 34 of the Small Business Act(15 U.S.C. 657d) is amended—

(1) in subsection (h), by striking ''2001 through 2005'' each place it appears and inserting ''2009 through 2014''; and

(2) in subsection (i), by striking ''2005'' and inserting ''2014''.

(c) RURAL AREAS.—Section 34(e)(2) of the Small Business Act (15 U.S.C. 657d(e)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

''(C) RURAL AREAS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.

''(ii) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in subparagraph (A)(i), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.

''(iii) DEFINITION OF RURAL AREA.—In this subparagraph, the term 'rural area' has the meaning given that term in section 1393(a)(2)) of the Internal Revenue Code of 1986.''.

SEC. 882. SBIR–STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish a SBIR–STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section referred to as ''STEM college students''), by providing a SBIR bonus grant.

(b) ELIGIBLE ENTITIES DEFINED.—In this section the term ''eligible entity'' means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

(c) AWARDS.—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR–STEM Workforce Development Grant Pilot Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2010;
(2) $1,000,000 for fiscal year 2011;
(3) $1,000,000 for fiscal year 2012;
(4) $1,000,000 for fiscal year 2013; and
(5) $1,000,000 for fiscal year 2014.

SEC. 883. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—

(1) in subparagraph (A), by striking ''$4,000'' and inserting ''$5,000'';

(2) in subparagraph (B)—

(A) by striking ''with funds available from their SBIR awards'' and inserting ''which shall be in addition to the amount of the recipient's award'';

(B) by striking ''$4,000'' and inserting ''$5,000''; and

(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

''(D) LIMITATION.—A Federal agency may not—

''(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

''(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.''.

SEC. 884. COMMERCIALIZATION PILOT PROGRAM AT DEPARTMENT OF DEFENSE.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(B) by adding at the end the following: ''The authority to create and administer a Commercialization Pilot Program under this

subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(2) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(3) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(4) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for transitioning Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, which shall include information on the ongoing status of projects funded through the Commercialization Pilot Program and efforts to transition these technologies into programs of record or fielded systems.''; and

(5) in paragraph (8), as so redesignated, by striking ''fiscal year 2009'' and inserting ''fiscal year 2014''.

SEC. 885. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ee) PILOT PROGRAM.—

''(1) AUTHORIZATION.—Except for the Department of Defense, the head of each participating Federal agency may set aside not more than 10 percent of the SBIR and STTR funds of such agency for further technology development, testing, and evaluation of SBIR and STTR Phase II technologies (in this section referred to as a 'pilot program').

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—A Federal agency may not establish a pilot program unless such agency makes a written application to the Administrator, not less than 90 days prior to the beginning of the fiscal year in which such pilot program is to be established, based on a compelling reason that additional investment in SBIR or STTR technologies is required due to unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the agency's mission.

''(B) DETERMINATION.—The Administrator shall—

''(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the beginning of the fiscal year for which such application is submitted;

''(ii) publish such decision in the Federal Register; and

''(iii) make a copy of such decision, and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(C) MAXIMUM AMOUNT.—No award under a pilot program may be made in excess of 2 times the dollar amounts generally established for Phase II awards under this section.

''(D) MATCHING.—No award may be made under a pilot program unless new private, Federal non-SBIR, or Federal non-STTR funding which at least matches the award from the Federal agency is dedicated towards SBIR or STTR Phase II technology.

''(E) ELIGIBILITY.—Awards under a pilot program may be made to any applicant that is eligible to receive a Phase III award related to such SBIR or STTR Phase II technology.

''(F) REGISTRATION.—Applicants receiving awards under a pilot program shall register with the Administrator in a publicly available registry.

''(G) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.''.

SEC. 886. NANOTECHNOLOGY INITIATIVE.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ff) NANOTECHNOLOGY INITIATIVE.—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to such program.''.

(b) SUNSET.—Effective October 1, 2014, subsection (ff) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 887. ACCELERATING CURES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

''SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

''(a) NIH CURES PILOT.—

''(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of all the National Institutes of Health (referred to in this section as the 'NIH') institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The advisory board shall consist of—

''(i) the Director of the NIH, the Director of the SBIR program, senior NIH agency managers, industry experts, and other program stakeholders; and

''(ii) awardees under the SBIR program of the NIH.

''(B) EQUAL REPRESENTATION.—The number of members of the advisory board described in clause (i) of subparagraph (A) shall be equal to the number of members of the advisory board described in clause (ii) of subparagraph (A).

''(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 National Academies of Science's report entitled 'An Assessment of the Small Business Innovation Research Program at the NIH'.

''(c) PILOT PROGRAM.—

''(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

''(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

''(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the independent advisory board described in subsection (a) on the activities of the SBIR program of the NIH under this section.

''(e) SBIR GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall place an emphasis on applications that identify from the onset products and services that may enhance the development of cures and therapies.

''(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The independent advisory board described in subsection (a) shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

''(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 6 months.

''(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot programs under subsection (c) and to carry out subsection (e).

''(g) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009.''.

PART III—OVERSIGHT AND EVALUATION

SEC. 891. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 872 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—

''(A) the data'';

(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9); and

''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority owned and controlled by multiple venture capital firms) under each of the SBIR and STTR programs;

''(C) a description of the extent to which each Federal agency is increasing outreach

and awards to firms owned and controlled by women and minorities under each of the SBIR and STTR programs;

''(D) general information about the implementation and compliance with the allocation of funds for firms majority owned and controlled by multiple venture capital firms under each of the SBIR and STTR programs;

''(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR and the STTR Policy Directives filed by the Administrator with Federal agencies; and

''(F) a description''; and

(2) by inserting after paragraph (7) the following:

''(8) to coordinate the implementation of electronic databases at each of the participating agencies, including the technical ability of the participating agencies to electronically share data;''.

SEC. 892. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(3) by inserting after paragraph (7) the following:

''(8) collect, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an awardee—

''(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

''(I) the amount of venture capital that the awardee has received as of the date of the award; and

''(II) the amount of additional capital that the awardee has invested in the SBIR technology, which shall be collected on an annual basis;

''(ii) has an investor who—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a minority or has a minority as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

''(vi) is university faculty or a university student; and

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''; and

(4) in paragraph (10), as so redesignated, by adding ''and'' at the end.

SEC. 893. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (9) and inserting the following:

''(9) collect, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an applicant or awardee—

''(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

''(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

''(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology, which shall be collected on an annual basis;

''(ii) has an investor who—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a minority or has a minority as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

''(vi) is university faculty or a university student; and

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''; and

(4) by redesignating paragraph (16) as paragraph (15).

SEC. 894. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

''(i) has venture capital and, if so, whether the small business concern is registered as majority owned and controlled by multiple venture capital companies as required under subsection (cc)(3);

''(ii) is owned by a woman or has a woman as a principal investigator;

''(iii) is owned by a minority or has a minority as a principal investigator;

''(iv) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

''(v) is owned by university faculty or a university student.''.

SEC. 895. GOVERNMENT DATABASE.

Section 9(k)(2) of the Small Business Act (15 U.S.C. 638(k)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following:

''(C) includes, for each awardee—

''(i) the name, size, location, and any identifying number assigned by the Administration;

''(ii) whether the awardee has venture capital, and, if so—

''(I) the amount of venture capital as of the date of the award;

''(II) the percentage of ownership of the awardee held by a venture capital firm, including whether the awardee is majority owned and controlled by multiple venture capital firms; and

''(III) the amount of additional capital that the awardee has invested in the SBIR technology, which shall be collected on an annual basis;

''(iii) the names and locations of any affiliates of the awardee;

''(iv) the number of employees of the awardee;

''(v) the number of employees of the affiliates of the awardee; and

''(vi) the names and percentage of ownership of the awardee held by—

''(I) an individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

''(II) a person that is not an individual and is not organized under the laws of a State or the United States;''; and

(3) in subparagraph (D), as so redesignated—

(A) in clause (ii), by striking ''and'' at the end; and

(B) by adding at the end, the following:

''(iv) whether the applicant was majority owned and controlled by multiple venture capital firms; and

''(v) the number of employees of the applicant;''.

SEC. 896. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to determine whether Federal agencies are complying with the allocation requirements of this part and the amendments made by this part;

(2) assess the extent of compliance with the requirements of subparagraphs (A) and (B) of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by participating agencies and the Administration;

(3) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency;

(4) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency is spending for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including whether and, if so, the portion of such budget the Federal agency is spending for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(5) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), the assessments required under paragraphs (2) and (3), and the determination made under paragraph (4).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 897. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (Public Law 106–554; 114 Stat. 2763A–671) is amended by adding at the end the following:

''(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2) not later than 4 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, and every 4 years thereafter.

''(2) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).''.

SEC. 898. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(gg) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award by the Federal agency—

''(1) the name of the contracting agency;

''(2) the identity of the agency or company making the Phase III award;

''(3) the identity of the company or individual receiving the Phase III award;

''(4) the dollar amount of the Phase III award; and

''(5) the Federal agency, or component of a Federal agency, making the Phase III award.''.

SEC. 898A. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies are adhering to the data rights protections for SBIR awardees and the technologies of SBIR awardees;

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

PART IV—POLICY DIRECTIVES

SEC. 899. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this subtitle and the amendments made by this subtitle.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—The Administration shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

SA 5471. Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. MONTHLY SPECIAL PAY FOR MEMBERS OF THE UNIFORMED SERVICES WHOSE SERVICE ON ACTIVE DUTY IS EXTENDED BY A STOP-LOSS ORDER OR SIMILAR MECHANISM.

(a) PAY REQUIRED.—

(1) IN GENERAL.—Subchapter I of chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 330a. Special pay: members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism

''(a) SPECIAL PAY.—A member of the uniformed services entitled to basic pay whose enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to the exercise of an authority referred to in subsection (b) is entitled while on active duty during the period of such extension or suspension to special pay in the amount specified in subsection (c).

''(b) AUTHORITIES.—An authority referred to in this section is an authority for the extension of an enlistment or period of obligated service, or for suspension of eligibility for retirement, of a member of the uniformed services under a provision of law as follows:

''(1) Section 123 of title 10.

''(2) Section 12305 of title 10.

''(3) Any other provision of law (commonly referred to as a 'stop-loss authority') authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

''(c) MONTHLY AMOUNT.—The amount of special pay specified in this subsection is $200 per month.

''(d) CONSTRUCTION WITH OTHER PAYS.—Special pay payable under this section is in addition to any other pay payable to members of the uniformed services by law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 330 the following new item:

''330a. Special pay: members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 1, 2001.

SA 5472. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. DEMONSTRATION PROJECT ON SERVICE OF RETIRED MILITARY NURSES AS FACULTY OF CIVILIAN NURSING SCHOOLS.

(a) DEMONSTRATION PROJECT AUTHORIZED.—The Secretary of Defense may conduct a demonstration project to assess the feasability and advisability of encouraging retired military nurses to serve as faculty at civilian nursing schools.

(b) ELIGIBILITY REQUIREMENTS.—

(1) RETIRED MILITARY NURSES.—An individual is eligible to participate in the demonstration project if the individual—

(A) is a retired nurse corps officer of an Armed Force;

(B) has at least 20 years of active service as a commissioned officer in the Armed Forces before retiring from the Armed Forces; and

(C) possesses a doctoral or master degree in nursing that qualifies the officer to become a full-time faculty member of an accredited school of nursing.

(2) CIVILIAN NURSING SCHOOLS.—A school of nursing is eligible to participate in the demonstration project if—

(A) the school is an accredited school of nursing; and

(B) the school, or its parent institution of higher education—

(i) is a school of nursing that is accredited to award, at a minimum, a bachelor of science in nursing and provides educational programs leading to such degree;

(ii) has a resident Senior Reserve Officer Training Corps unit that fulfils the requirements of sections 2101 and 2102 of title 10, United States Code;

(iii) does not prevent access to the Senior Reserve Officer Training Corps or military recruiting on campus in a manner which would lead to a denial of Federal funds under section 983 of title 10, United States Code;

(iv) provides any retired nurse corps officer participating in the demonstration project a salary and other compensation at the level to which other similarly situated faculty members of the accredited school of nursing are entitled, as determined by the Secretary of Defense; and

(v) agrees to comply with the requirements of subsection (d).

(c) EMPLOYMENT OF RETIRED MILITARY NURSES.—The Secretary of Defense may authorize a Secretary of a military department to authorize qualified schools of nursing (as described in subsection (b)(2)) to employ as faculty eligible individuals (as described in subsection (b)(1)) who are receiving retired pay, whose qualifications are approved by the Secretary of the military department and the school of nursing, and who request such employment, subject to the following:

(1) A retired nurse corps officer so employed is entitled to receive the officer's retired pay without reduction by reason of any additional amount paid to the officer by the school of nursing. In the case of payment of any such additional amount by the school of nursing, the Secretary of the military department concerned may pay the school the amount equal to one-half the amount paid to the retired officer by the institution for any period, up to a maximum of one-half of the difference between the officer's retired pay for that period and the active duty pay and allowances that the officer would have received for that period if on active duty. Payments by the Secretary of the military department concerned under this paragraph shall be made from funds specifically appropriated for that purpose.

(2) Notwithstanding any other provision of law, a retired nurse corps officer so employed shall not, while so employed, be considered to be on active duty or inactive duty training in the Armed Forces for any purpose.

(d) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—For purposes of the eligibility of an institution under subsection (b)(2)(B)(v), the following requirements apply:

(1) The school of nursing shall provide full academic scholarships to individuals undertaking an educational program at the school of nursing leading to a bachelor of science in nursing degree who agree, upon completion of such program and subject to such terms and conditions as the Secretary of Defense shall prescribe for purposes of this section, to accept a commission as an officer in the nurse corps of an Armed Force.

(2) The total number of scholarships provided by a school of nursing under paragraph (1) shall be equivalent to the number of retired nurse corps officers who elect to serve as faculty at the school under the demonstration project.

(e) REPORT.—

(1) IN GENERAL.—Not later than 24 months after the commencement of the demonstration project, the Secretary of Defense shall submit to the congressional defense committees a report on the demonstration project.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A description of the demonstration project under this section.

(B) The current number of retired nurse corps officers who are eligible to participate in the demonstration project.

(C) The number of retired nurse corps officers participating in the demonstration project.

(D) The number of schools of nursing participating in the demonstration project.

(E) The number of scholarships awarded to nurse officer candidates under the demonstration project.

(F) The number, if any, of nurse officer candidates who participated in the demonstration project who have accessed into the Armed Forces as a commissioned nurse corps officer, and the number, if any, of nurse officer candidates who participated in the demonstration project and did not access into the Armed Forces as a commissioned nurse corps officer.

(G) The amount, if any, of Federal funds expended on the demonstration project.

(H) Such recommendations as the Secretary of Defense considers appropriate regarding the extension or expansion of the demonstration project.

(f) DEFINITIONS.—In this section, the terms ''school of nursing'' and ''accredited'' have the meeting given such terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

SA 5473. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

SEC. 1233. REPORTS ON ENHANCING SECURITY AND STABILIZATION IN THE REGION ALONG THE BORDER OF AFGHANISTAN AND PAKISTAN.

(a) ADDITIONAL REPORTS REQUIRED.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392) is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by striking ''IN GENERAL'' and inserting ''INITIAL REPORT''; and

(B) by inserting after ''the appropriate congressional committees'' the following: '', the majority leader and minority leader of the Senate, and the Speaker of the House of Representatives and the minority leader of the House of Representatives'';

(2) by striking paragraph (4);

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph:

''(3) SUBSEQUENT REPORTS.—Concurrent with the submission of each report submitted under section 1230 after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional defense committees, the majority leader and minority leader of the Senate, and the Speaker of the House of Representatives and the minority leader of the House of Representatives a report on enhancing security and stability in the region along the border of Afghanistan and Pakistan. Each such report shall include the following:

''(A) A detailed description of the efforts by the Government of Pakistan to achieve the following objectives:

''(i) Eliminate safe havens for Taliban, Al Qaeda, and other violent extremist forces on the national territory of Pakistan.

''(ii) Prevent the movement of such forces across the border of Pakistan into Afghanistan to engage in insurgent or terrorist activities.

''(B) An assessment of the Secretary of Defense as to whether Pakistan is making substantial and sustained efforts to achieve the objectives specified in subparagraph (A).

''(C) A description of any peace agreements between the Government of Pakistan and tribal leaders from regions along the Afghanistan-Pakistan border that contain commitments to prevent cross-border incursions into Afghanistan and any mechanisms in such agreements to enforce such commitments.

''(D) An assessment of the effectiveness of such peace agreements in preventing cross-border incursions into Pakistan and of the Government of Pakistan in enforcing those agreements.''.

(b) EXTENSION OF NOTIFICATION REQUIREMENT RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Subsection (b)(5) of such section is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

(c) SUBMISSION OF AFGHANISTAN REPORT TO CONGRESSIONAL LEADERSHIP.—Section 1230(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) is amended by inserting after ''the appropriate congressional committees'' the following: '', the majority leader and minority leader of the Senate, and the Speaker of the House of Representatives and the minority leader of the House of Representatives''.

SA 5474. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 815. BUY AMERICAN REQUIREMENTS FOR MILK AND POWDERED MILK PRODUCTS.

Section 2533a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Milk or powdered milk products.''.

SA 5475. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, the following:

SEC. 332. REPORT ON EQUIPPING MILITARY AIRCRAFT WITH LASER-BASED COUNTERMEASURES FOR THE PROTECTION OF SUCH AIRCRAFT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the plans of the Department of Defense for equipping fixed wing and rotary wing military aircraft with laser-based countermeasures for the protection of such aircraft. The report shall include a description of the plans of the Department to consider technologies other than Advanced Threat Infrared Countermeasure systems to provide a functional, laser-based infrared countermeasure capability for both fixed wing and rotary wing aircraft.

SA 5476. Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. INOUYE, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION —MARITIME ADMINISTRATION

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Maritime Administration Act for Fiscal Year 2009''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

SEC. 2. ADJUNCT PROFESSORS AT THE MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—If the Secretary of Transportation determines that there is a temporary need for adjunct professors at the United States Merchant Marine Academy, the Secretary may execute personal service contracts with adjunct professors to meet that need.

(b) LIMITATIONS.—

(1) NUMBER.—The Secretary may not execute such contracts with more than 25 individuals under subsection (a) to provide service as adjunct professors during any trimester of academic year 2008–2009.

(2) CONTRACT TERM.—The Secretary may not execute a personal service contract under subsection (a) for a term that expires later than the end of academic year 2008–2009.

(c) SUNSET.—The authority of the Secretary to execute a personal service contract under subsection (a) shall terminate at the end of academic year 2008–2009.

(d) PRE-EXISTING CONTRACTS.—An employment contract executed by the Secretary before the date of enactment of this Act for service by an individual as an adjunct professor at the Academy shall be taken into account for purposes of subsection (b)(1) and shall remain in effect until the earlier of—

''(1) the end of the period of time for which the services were contracted; or

''(2) the end of academic year 2008–2009.

(e) REPORT.—If the Secretary executes one or more personal service contracts under subsection (a), the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Armed Services, and the Committees on Appropriations of both Houses specifying the specific need for each such contract and the duties that will be performed by each such adjunct professor brought under contract. The report shall be submitted solely by the Secretary and not by any designee on the Secretary's behalf.

SEC. 3. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND VIOLENCE AT THE ACADEMY.

(a) REQUIRED POLICY.—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include—

(1) a program to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel;

(2) procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment or sexual violence should be reported by a cadet and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault;

(3) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;

(4) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible; and

(5) required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

(c) ANNUAL ASSESSMENT.—

(1) The Secretary shall direct the Superintendent to conduct an assessment at the Academy during each Academy program year, to be administered by the Department of Transportation, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey, to be administered by the Department, of Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel of—

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

(d) ANNUAL REPORT.—

(1) The Secretary shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

(B) The policies, procedures, and processes implemented by the Superintendent and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

(4)(A) The Superintendent shall transmit to the Secretary, and to the Board of Visitors of the Academy, each report received by the Superintendent under this subsection, together with the Superintendent's comments on the report.

(B) The Secretary shall transmit each such report, together with the Secretary's comments on the report, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 4. GIFTS TO THE ACADEMY.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

''§ 51315. Gifts to the Merchant Marine Academy

''(a) In General.—The Maritime Administrator may accept and use conditional or unconditional gifts of money or property for the benefit of the United States Merchant Marine Academy, including acceptance and use for non-appropriated fund instrumentalities of the Merchant Marine Academy. The Maritime Administrator may accept a gift of services in carrying out the Administrator's duties and powers. Property accepted under this section and proceeds from that property must be used, as nearly as possible, in accordance with the terms of the gift.

''(b) ESTABLISHMENT OF ACADEMY GIFT FUND.—There is established in the Treasury a fund, to be known as the 'Academy Gift Fund'. Disbursements from the Fund shall be made on order of the Maritime Administrator. Unless otherwise specified by the terms of the gift, the Maritime Administrator may use monies in the Fund for appropriated or non-appropriated purposes at the Academy. The Fund consists of—

''(1) gifts of money;

''(2) income from donated property accepted under this section;

''(3) proceeds from the sale of donated property; and

''(4) income from securities under subsection (c) of this section;

''(c) INVESTMENT OF FUND BALANCES.—On request of the Maritime Administrator, the Secretary of the Treasury may invest and reinvest amounts in the Fund in securities of, or in securities the principal and interest of which is guaranteed by, the United States Government.

''(d) DISBURSEMENT AUTHORITY.—There are hereby appropriated from the Fund such sums as may be on deposit, to remain available until expended.''.

''(e) DEDUCTABILITY OF GIFTS.—Gifts accepted under this section are a gift to or for the use of the Government under the Internal Revenue Code of 1986.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 513 of title 46, United

States Code, is amended by inserting after the item relating to section 51314 the following:

''51315. Gifts to the Merchant Marine Academy''.

SEC. 5 TEMPORARY APPOINTMENTS TO THE ACADEMY.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, as amended by section 5 of this division, is further amended by adding at the end thereof the following:

''§ 51316. Temporary appointments to the Academy

Notwithstanding any other provision of law, the Maritime Administrator may appoint any present employee of the United States Merchant Marine Academy non-appropriated fund instrumentality to a position on the General Schedule of comparable pay. Eligible personnel shall be engaged in work permissibly funded by annual appropriations, and such appointments to the Civil Service shall be without regard to competition, for a term not to exceed 2 years.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 513 of title 46, United States Code, as amended by section 15 of this division, is amended by inserting after the item relating to section 51317 the following:

''51316. Temporary appointments to the Academy''.

SEC. 6. RIDING GANG MEMBER REQUIREMENTS.

Section 1018 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2381) is amended—

(1) by striking ''requirements'' and all that follows in subsection (a)(1) and inserting ''requirements as provided in section 8106 of title 46, United States Code.'';

(2) by striking paragraphs (2) and (3) of subsection (a) and redesignating paragraph (4) as paragraph (2);

(3) by striking ''8106'' in paragraph (2), as redesignated, of subsection (a) and inserting ''2101''; and

(4) by striking subsection (b)(1) and inserting the following:

''(1) IN GENERAL.—Pursuant to regulations issued by the Secretary of Defense, an individual—

''(A) who is aboard a vessel, which is under charter or contract for the carriage of cargo for the Department of Defense, for purposes other than engaging in the operation or maintenance of the vessel, and

''(B) who—

''(i) accompanies, supervises, guards, or maintains unit equipment aboard a ship, commonly referred to as supercargo personnel,

''(ii) is one of the force protection personnel of the vessel,

''(iii) is a specialized repair technician, or

''(iv) is otherwise required by the Secretary of Defense to be aboard the vessel,

shall not be deemed a riding gang member for purposes of title 46, United States Code.''.

SEC. 7. ASSISTANCE FOR SMALL SHIPYARDS AND MARITIME COMMUNITIES.

(a) IN GENERAL.—Title 46, United States Code, is amended by inserting the following new chapter after chapter 539:

''CHAPTER 541—MISCELLANEOUS

''Sec.

''54101. Assistance for small shipyards and maritime communities

''§ 54101. Assistance for small shipyards and maritime communities

''(a) ESTABLISHMENT OF PROGRAM.—Subject to the availability of appropriations, the Administrator of the Maritime Administration shall execute agreements with shipyards to provide assistance—

''(1) in the form of grants, loans, and loan guarantees to small shipyards for capital improvements; and

''(2) for maritime training programs to foster technical skills and operational productivity in communities whose economies are related to or dependent upon the maritime industry.

''(b) AWARDS.—In providing assistance under the program, the Administrator shall—

''(1) take into account—

''(A) the economic circumstances and conditions of maritime communities;

''(B) projects that would be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and

''(C) projects that would be effective in fostering employee skills and enhancing productivity; and

''(2) make grants within 120 days after the date of enactment of the appropriations Act for the fiscal year concerned.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Assistance provided under this section may be used—

''(A) to make capital and related improvements in small shipyards located in or near maritime communities;

''(B) to provide training for workers in communities whose economies are related to the maritime industry; and

''(C) for such other purposes as the Administrator determines to be consistent with and supplemental to such activities.

''(2) ADMINISTRATIVE COSTS.—Not more than 2 percent of amounts made available to carry out the program may be used for the necessary costs of grant administration.

''(d) PROHIBITED USES.—Grants awarded under this section may not be used to construct buildings or other physical facilities or to acquire land unless such use is specifically approved by the Administrator in support of subsection (c)(1)(C).

''(e) MATCHING REQUIREMENTS; ALLOCATION.—

''(1) FEDERAL FUNDING.—Except as provided in paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

''(2) EXCEPTION.—If the Administrator determines that a proposed project merits support and cannot be undertaken without a higher percentage of Federal financial assistance, the Administrator may award a grant for such project with a lesser matching requirement than is described in paragraph (1).

''(3) ALLOCATION OF FUNDS.—The Administrator may not award more than 25 percent of the funds appropriated to carry out this section for any fiscal year to any small shipyard in one geographic location that has more than 600 employees.

''(f) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible for assistance under this section, an applicant shall submit an application, in such form, and containing such information and assurances as the Administrator may require, within 60 days after the date of enactment of the appropriations Act for the fiscal year concerned.

''(2) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application submitted under paragraph (1) shall include—

''(A) a comprehensive description of—

''(i) the need for the project;

''(ii) the methodology for implementing the project; and

''(iii) any existing programs or arrangements that can be used to supplement or leverage assistance under the program.

''(3) PROCEDURAL SAFEGUARDS.—The Administrator, in consultation with the Office of the Inspector General, shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

''(A) grant funds are used for the purposes for which they were made available;

''(B) grantees have properly accounted for all expenditures of grant funds; and

''(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

''(4) PROJECT APPROVAL REQUIRED.—The Administrator may not award a grant under this section unless the Administrator determines that—

''(A) sufficient funding is available to meet the matching requirements of subsection (e);

''(B) the project will be completed without unreasonable delay; and

''(C) the recipient has authority to carry out the proposed project.

''(g) AUDITS AND EXAMINATIONS.—All grantees under this section shall maintain such records as the Administrator may require and make such records available for review and audit by the Administrator.

''(h) SMALL SHIPYARD DEFINED.—In this section, the term 'small shipyard' means a shipyard facility in one geographic location that does not have more than 1,200 employees.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Maritime Administration for each of fiscal years 2006 through 2010 to carry out this section—

''(1) $5,000,000 for training grants; and

''(2) $25,000,000 for capital and related improvements.''.

(b) CONFORMING AMENDMENT.—Section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. 53101 note) is repealed.

SEC. 8. STUDENT INCENTIVE PAYMENT PROGRAM.

Section 51509 of title 46, United States Code, is amended—

(1) by striking ''to the individual.'' in subsection (a) and inserting ''to the individual or the academy, as determined by the Secretary.'';

(1) by striking ''$4,000'' and inserting ''$8,000'';

(2) by striking ''as prescribed by the Secretary, while the individual is attending the academy.'' in subsection (b) and inserting ''subject to such conditions as may be prescribed by the Secretary.'';

(3) by inserting ''tuition,'' in subsection (b) after ''uniforms,''; and

(4) by striking subsection (c) and inserting the following:

''(c) MIDSHIPMAN AND ENLISTED RESERVE STATUS.—Each agreement entered into under this section shall require the individual to accept midshipman and enlisted reserve status in the United States Navy Reserve (including the Merchant Marine Reserve) or the United States Coast Guard Reserve before any payments are made under the agreement.''.

SEC. 9. MARINE WAR RISK INSURANCE.

Section 53912 of title 46, United States Code, is amended by striking ''December 31, 2010.'' and inserting ''December 31, 2015.''.

SEC. 10. MARAD CONSULTATION ON JONES ACT WAIVERS.

Section 501(b) of title 46, United States Code, is amended to read as follows:

''(b) BY HEAD OF AGENCY.—When the head of an agency responsible for the administration of the navigation or vessel-inspection laws considers it necessary in the interest of national defense, the individual, following a determination by the Maritime Administrator, acting in the Administrator's capacity as Director, National Shipping Authority, of the non-availability of qualified United States flag capacity to meet national defense requirements, may waive compliance with those laws to the extent, in the manner,

and on the terms the individual, in consultation with the Administrator, acting in that capacity, prescribes.''.

SEC. 11. VESSEL TRAFFIC RISK ASSESSMENTS.

(a) REQUIREMENT.—The Commandant of the Coast guard, acting through the appropriate Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act, shall prepare a vessel traffic risk assessment—

(1) for Cook Inlet, Alaska, within 1 year after the date of enactment of this Act; and

(2) for the Aleutian Islands, Alaska, within 2 years after the date of enactment of this Act.

(b) CONTENTS.—Each of the assessments shall describe, for the region covered by the assessment—

(1) the amount and character of present and estimated future shipping traffic in the region; and

(2) the current and projected use and effectiveness in reducing risk, of—

(A) traffic separation schemes and routing measures;

(B) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

(C) towing, response, or escort tugs;

(D) vessel traffic services;

(E) emergency towing packages on vessels;

(F) increased spill response equipment including equipment appropriate for severe weather and sea conditions;

(G) the Automatic Identification System developed under section 70114 of title 46, United States Code;

(H) particularly sensitive sea areas, areas to be avoided, and other traffic exclusion zones;

(I) aids to navigation; and

(J) vessel response plans.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Each of the assessments shall include any appropriate recommendations to enhance the safety and security, or lessen potential adverse environmental impacts, of marine shipping.

(2) CONSULTATION.—Before making any recommendations under paragraph (1) for a region, the Area Committee shall consult with affected local, State, and Federal government agencies, representatives of the fishing industry, Alaska Natives from the region, the conservation community, and the merchant shipping and oil transportation industries.

(d) PROVISION TO CONGRESS.—The Commandant shall provide a copy of each assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commandant $1,800,000 for each of fiscal years 2008 and 2009 to conduct the assessments.

SEC. 12. SMALL VESSEL EXCEPTION FROM DEFINITION OF FISH PROCESSING VESSEL.

Section 2101(11b) of title 46, United States Code, is amended by striking ''chilling.'' and inserting ''chilling, but does not include a fishing vessel operating in Alaskan waters under a permit or license issued by Alaska that—

(A) fillets only salmon taken by that vessel;

(B) fillets less than 5 metric tons of such salmon during any 7-day period.''.

SEC. 13. TRANSPORTATION IN AMERICAN VESSELS OF GOVERNMENT PERSONNEL AND CERTAIN CARGOES.

(a) IN GENERAL.—Section 55305(b) of title 46, United States Code, is amended—

(1) by striking ''country'' and inserting ''country, organization, or persons'';

(2) by inserting ''or obtaining'' after ''furnishing''; and

(3) by striking ''commodities'' the first place it appears and inserting ''commodities, or provides financing in any way with Federal funds for the account of any persons unless otherwise exempted,''.

(b) OTHER AGENCIES.—Section 55305(d) of title 46, United States Code, is amended to read as follows:

''(d) PROGRAMS OF OTHER AGENCIES.—

''(1) Each department or agency that has responsibility for a program under this section shall administer that program with respect to this section under regulations and guidance issued by the Secretary of Transportation. The Secretary, after consulting with the department or agency or organization or person involved, shall have the sole responsibility for determining if a program is subject to the requirements of this section.

''(2) The Secretary—

''(A) shall conduct an annual review of the administration of programs determined pursuant to paragraph (1) as subject to the requirements of this section;

''(B) may direct agencies to require the transportation on United States-flagged vessels of cargo shipments not otherwise subject to this section in equivalent amounts to cargo determined to have been shipped on foreign carriers in violation of this section;

''(C) may impose on any person that violates this section, or a regulation prescribed under this section, a civil penalty of not more than $25,000 for each violation willfully and knowingly committed, with each day of a continuing violation following the date of shipment to be a separate violation; and

''(D) may take other measures as appropriate under the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1) or contract with respect to each violation.''.

(c) REGULATIONS.—The Secretary of Transportation shall prescribe such rules as are necessary to carry out section 55305(d) of title 46, United States Code. The Secretary may prescribe interim rules necessary to carry out section 55305(d) of such title. An interim rule prescribed under this subsection shall remain in effect until superseded by a final rule.

(d) CHANGE OF YEAR.—Section 55314(a) of title 46, United States Code, is amended by striking ''calendar'' each place it appears and inserting ''fiscal''.

SEC. 14. EXCLUSION OF CERTAIN EMPLOYEE BENEFITS FOR INDIVIDUALS IN THE RECREATIONAL MARINE INDUSTRY.

Subparagraph (F) of section 2(3) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)) is amended to read as follows:

''(F) individuals who—

''(i) are employed to manufacture any recreational vessel under 165 feet in length; or

''(ii) are employed to repair any recreational vessel or to dismantle any part of any recreational vessel in connection with repair of the vessel;''.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation, for the use of the Maritime Administration, for fiscal year 2009 the following amounts:

(1) For expenses necessary for operations and training activities, $140,112,000, of which—

(A) $79,858,000 shall remain available until expended for expenses at the United States Merchant Marine Academy, of which $26,640,000 shall be available for the capital improvement program; and

(B) $8,306,000 which shall remain available until expended for maintenance and repair of school ships at the State Maritime Academies.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(3) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), $19,500,000.

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402, $18,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $30,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $6,000,000.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available, as provided in appropriations Acts, until expended.

SEC. 16. ENFORCEMENT OF MARITIME CABOTAGE LAWS.

It is the sense of the Senate that, in order to fulfill the objectives and policies of section 50101 of title 46, United States Code, and encourage the development and maintenance of a merchant marine necessary for the national defense and the domestic commerce of the United States, the Department of Homeland Security, in cooperation with the Department of Transportation, should take measures necessary to enforce the letter and intent of the coastwise laws in chapter 551 of title 46, United States Code, and to support the cruise ship operations authorized by section 211 of title II of division B of Public Law 108–7.

SA 5477. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. SERVICE AS LEGISLATIVE FELLOWS OF MEMBERS OF THE ARMED FORCES WHO ARE UNDERGOING CONVALESCENCE AT MILITARY MEDICAL TREATMENT FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) ACTIONS REQUIRED.—

(1) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall take actions to ensure that eligible members of the Armed Forces who are undergoing convalescence at military medical treatment facilities in the National Capital Region, including Walter Reed Army Medical Center, District of Columbia, are informed about and encouraged to apply for selection as a legislative fellow under applicable Department of

Defense instructions controlling assignment of personnel to the Legislative Branch.

(2) VOLUNTARY PARTICIPATION.—The participation of members of the Armed Forces as a legislative fellow under this section shall be on a voluntary basis.

(3) ENCOURAGEMENT OF PARTICIPATION IN PROGRAM.—The Secretary shall take appropriate actions—

(A) to notify members of the Armed Forces described in subsection (a)(1) of their eligibility for participation as legislative fellows under this section; and

(B) to facilitate participation as legislative fellows under this section by members who elect to participate as fellows, including through the provision of appropriate support for such members in participating as fellows.

(4) PROHIBITION ON POLITICAL ACTIVITIES.—While serving in an office as a legislative fellow under this section, a member of the Armed Forces participating as a fellow may not engage in any political activity otherwise prohibited by law for similar employees of such office.

(b) PAY AND ALLOWANCES.—

(1) NO ADDITIONAL PAY AND ALLOWANCES.—A member of the Armed Forces participating as a legislative fellow under this section shall not be entitled to any pay and allowances by reason of participation as a fellow other than the pay and allowances otherwise payable to the member by law.

(2) EXPENSES.—A member of the Armed Forces participating as a legislative fellow under this section shall be paid or reimbursed for the expenses incurred by the member in connection with participation as a fellow.

(c) ADMINISTRATIVE MATTERS.—

(1) ADMINISTRATION.—The activities required by this section shall be administered within the Department of Defense by an appropriate official of the Department assigned by the Secretary for that purpose.

(2) RESPONSIBILITIES.—The official assigned under paragraph (1) shall—

(A) work collaboratively with Members and committees of Congress to identify appropriate fellowship opportunities for members of the Armed Forces seeking to participate as legislative fellows under this section; and

(B) work collaboratively with the Director of the Capitol Guide Service and Congressional Special Services Office of the Architect of the Capitol to accommodate the special physical needs of members of the Armed Forces who are participating as legislative fellows under this section.

SA 5478. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection A of title XXVIII, add the following:

SEC. 2814. MODIFICATION OF AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS TO LIMIT ENCROACHMENT.

(a) REPEAL OF APPLICABILITY OF AUTHORITY TO EXCHANGES FOR MILITARY CONSTRUCTION PROJECTS.—Section 2869 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking ''military construction project or'';

(2) in subsection (b), by striking ''military construction,'' each place it appears and inserting ''land,''; and

(3) in subsection (d)(2)(A), by striking ''military construction project,'' each place it appears in clauses (ii) and (iii).

(b) REPEAL OF LIMITATION ON APPLICABILITY OF AUTHORITY TO EXCESS NON-BRAC PROPERTY.—Such section is further amended—

(1) in subsection (a), by striking paragraph (3); and

(2) in subsection (e)(2), by striking ''the period specified in paragraph (3) of subsection (a)'' and inserting ''the period beginning on October 17, 2006, and ending on September 30, 2008,''.

(c) REPEAL OF PILOT PROGRAM.—Such section is further amended by striking subsection (c).

(d) REPEAL OF REQUIREMENTS RELATING TO REPORTS.—Such section is further amended by striking subsection (f).

(e) CONFORMING AMENDMENTS.—Such section is further amended by redesignating subsections (d), (e), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(f) ADDITIONAL CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2869. Conveyance of property at military installations to support military housing or limit encroachment''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

''2869. Conveyance of property at military installations to support military housing or limit encroachment.''.

SA 5479. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term ''qualified individual'' means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a ''voucher''), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) QUALIFIED MAILING.—In this section, the term ''qualified mailing'' means the mailing of a single mail piece which—

(A) is first-class mail (including any sound-recorded or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) TRANSFERS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) FUNDING.—Of the amounts authorized to be appropriated for the Department of Defense for fiscal year 2009 for military personnel, $10,000,000 shall be for postal benefits provided in this section.

SA 5480. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. REPORT ON CREATING CAREERS FOR MILITARY SPOUSES.

(a) STUDY.—The Under Secretary of Defense for Personnel and Readiness, in conjunction with the Deputy Under Secretary of Defense for Military Community and Family Policy, shall conduct a study of the challenges that face qualified military spouses in finding and maintaining employment during the terms of service of their active duty spouses.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Personnel and Readiness, shall submit to the congressional committees a report on the study conducted under subsection (a).

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description of the major challenges that face qualified military spouses in finding and maintaining employment during the terms of service of their spouses.

(B) A listing of significant incentive programs the Department of Defense could utilize to create incentives for the hiring of qualified military spouses, including those the Department can implement independently and those that require statutory changes.

(C) A description of the resources available to qualified military spouses for assistance in finding and maintaining employment.

(D) An examination of the implications for retention of military service members of insufficient employment opportunities for qualified military spouses.

(E) A description of current programs to assist qualified military spouses in securing telecommuting and home office employment.

(c) QUALIFIED MILITARY SPOUSE DEFINED.—In this section, the term ''qualified military spouse'' means a spouse of a member of the Armed Forces who is serving on a period of extended active duty which includes the hiring date. For purposes of the preceding sentence, the term ''extended active duty'' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

SA 5481. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. DISPOSAL OF REAL PROPERTY AT OUTLYING LANDING FIELD, BEAUFORT AND WASHINGTON COUNTIES, NORTH CAROLINA.

Notwithstanding any other provision of law, the Secretary of the Navy shall make an exception to policy when the Secretary disposes of the land acquired for the Navy's now-cancelled Outlying Landing Field (OLF) in Beaufort and Washington Counties, North Carolina, by first offering the previous property owners the opportunity to reacquire their land by right of first refusal at fair market value. Should these parties decline the Navy's offer, the Secretary shall dispose of these properties in a manner most likely to ensure continued agricultural productivity.

SA 5482. Mr. KERRY (for himself, Ms. SNOWE, Mr. MENENDEZ, Mr. LAUTENBERG, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. PROHIBITIONS RELATING TO PUBLICITY OR PROPAGANDA.

(a) PROHIBITION.—No part of any appropriation shall be used by the Department of Defense for publicity or propaganda purposes not authorized by Congress, including the production of any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio that it was prepared or funded by the Department.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report identifying the extent to which the Department of Defense has used appropriated funds to recruit, train, or give special consideration to retired military officers to induce them to comment favorably on the war efforts in Iraq and Afghanistan and against terrorism. This report shall also review if special access given to these retired military officers provided a competitive advantage to their employers in securing funds appropriated to the Department of Defense.

(c) LEGAL OPINION.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall issue a legal opinion to Congress on whether the Department of Defense violated appropriations prohibitions on publicity or propaganda activities established in Public Laws 107–117, 107–248, 108–87, 108–287, 109–148, 109–289, and 110–116, the Department of Defense Appropriations Acts for fiscal years 2002 through 2008, respectively, by offering special access to retired military officers who serve as media analysts, including briefings and information on war efforts, meetings with high-level department officials, and trips to Iraq and Guantanamo Bay, Cuba.

(d) RULE OF CONSTRUCTION RELATED TO INTELLIGENCE ACTIVITIES.—Nothing in this section shall be construed to apply to any lawful and authorized intelligence activity of the United States Government.

SA 5483. Ms. KLOBUCHAR submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. FULL ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall undertake an initiative intended to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The initiative shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Requirements for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the accredited network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

SA 5484. Mr. FEINGOLD (for himself, Mr. NELSON of Florida, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. TERMINATION OR SUSPENSION OF CONTRACTS FOR WIRELESS TELEPHONE SERVICE FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 305 the following new section:

''SEC. 305A. TERMINATION OR SUSPENSION OF CONTRACTS FOR WIRELESS TELEPHONE SERVICE.

''(a) IN GENERAL.—A servicemember or person who is a party to a contract for wireless telephone service and receives military orders to deploy with a military unit or in support of a contingency operation for a period of not less than 90 days, or to relocate for not less than 90 days to a location that does not support the contract, may submit to the wireless telephone service provider concerned a request for the termination or suspension of the contract. The request shall include a copy of the military orders of the servicemember or person.

''(b) RELIEF.—Upon receiving the request of a servicemember or person under subsection (a), the wireless telephone service provider concerned shall, at the election of the servicemember or person—

''(1) permit the servicemember or person to terminate the contract without imposition of an early termination fee, penalty, or other obligation; or

''(2) permit the servicemember or person to suspend the contract at no charge until the servicemember or person returns to the original area of wireless telephone service coverage under the contract without requiring, whether as a condition of suspension or otherwise, that the contract be extended.

''(c) UNPAID AMOUNTS.—Nothing in this section shall be construed to relieve a servicemember or person covered by subsection (a) from the obligation to pay all outstanding amounts due under the terms of the contract before the date that the contract is terminated or suspended under subsection (b).

''(d) DEFINITIONS.—In this section:

''(1) The term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary of Defense may prescribe

''(2) The term 'suspension', with respect to a contract, means the temporary cessation of service under the contract as provided in subsection (b)(2).

''(3) The term 'wireless telephone service' has the meaning given the term 'commercial mobile radio services' in section 332(c) of the Communications Act of 1934 (47 U.S.C. 332(c)).

''(4) The term 'wireless telephone service provider' means any entity that provides wireless telephone service.''.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 305 the following new item:

''Sec. 305A. Termination or suspension of contracts for wireless telephone service.''.

SA 5485. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle E—Comprehensive Iran Sanctions, Accountability, and Divestment

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008''.

PART I—SANCTIONS

SEC. 1251. DEFINITIONS.

In this part:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given that term in section 14(2) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(4) FAMILY MEMBER.—The term ''family member'' means, with respect to an individual, the spouse, children, grandchildren, or parents of the individual.

(5) INFORMATION AND INFORMATIONAL MATERIALS.—The term ''information and informational materials''—

(A) means information and informational materials described in section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)); and

(B) does not include information or informational materials—

(i) the exportation of which is otherwise controlled—

(I) under section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)); or

(II) under section 6 of that Act (50 U.S.C. App. 2405), to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States; or

(ii) with respect to which acts are prohibited by chapter 37 of title 18, United States Code.

(6) INVESTMENT.—The term ''investment'' has the meaning given that term in section 14(9) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(7) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term ''Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran'' has the meaning given that term in section 14(11) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(8) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(9) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

SEC. 1252. CLARIFICATION AND EXPANSION OF DEFINITIONS.

(a) PERSON.—Section 14(13)(B) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) by inserting ''financial institution, insurer, underwriter, guarantor, and any other business organization, including any foreign subsidiary, parent, or affiliate of the foregoing,'' after ''trust,''; and

(2) by inserting '', such as an export credit agency'' before the semicolon.

(b) PETROLEUM RESOURCES.—Section 14(14) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended by striking ''petroleum and natural gas resources'' and inserting ''petroleum, petroleum by-products, oil or liquefied natural gas, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas''.

SEC. 1253. ECONOMIC SANCTIONS RELATING TO IRAN.

(a) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 15 days after the effective date of this subtitle, the economic sanctions described in subsection (b) shall apply with respect to Iran.

(b) SANCTIONS.—The sanctions described in this subsection are the following:

(1) PROHIBITION ON IMPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no article that is the growth, product, or manufacture of Iran may be imported directly or indirectly into the United States.

(B) EXCEPTION.—The prohibition in subparagraph (A) does not apply to imports from Iran of information and informational materials.

(2) PROHIBITION ON EXPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no article that is the growth, product, or manufacture of the United States may be exported directly or indirectly to Iran.

(B) EXCEPTIONS.—The prohibition in subparagraph (A) does not apply to exports to Iran of—

(i) agricultural commodities, food, medicine, or medical devices;

(ii) articles exported to Iran to provide humanitarian assistance to the people of Iran;

(iii) information or informational materials; or

(iv) goods, services, or technologies necessary to ensure the safe operation of commercial passenger aircraft produced in the United States if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations for licensing the exportation of such goods, services, or technologies, if appropriate.

(3) FREEZING ASSETS.—

(A) IN GENERAL.—At such time as the United States has access to the names of persons in Iran, including Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran, that are determined to be subject to sanctions imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other provision of law relating to the imposition of sanctions with respect to Iran, the President shall take such action as may be necessary to freeze immediately the funds and other assets belonging to anyone so named and any family members or associates of those so named to whom assets or property of those so named were transferred on or after January 1, 2008. The action described in the preceding sentence includes requiring any United States financial institution that holds funds and assets of a person so named to report promptly to the Office of Foreign Assets Control information regarding such funds and assets.

(B) ASSET REPORTING REQUIREMENT.—Not later than 14 days after a decision is made to freeze the property or assets of any person under this paragraph, the President shall report the name of such person to the appropriate congressional committees.

(4) UNITED STATES GOVERNMENT CONTRACTS.—The head of an executive agency may not procure, or enter into a contract for

the procurement of, any goods or services from a person that meets the criteria for the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(c) WAIVER.—The President may waive the application of the sanctions described in subsection (b) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

SEC. 1254. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN SUBSIDIARIES.

(a) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(2) OWN OR CONTROL.—The term ''own or control'' means, with respect to an entity—

(A) to hold more than 50 percent of the equity interest by vote or value in the entity;

(B) to hold a majority of seats on the board of directors of the entity; or

(C) to otherwise control the actions, policies, or personnel decisions of the entity.

(3) SUBSIDIARY.—The term ''subsidiary'' means an entity that is owned or controlled, directly or indirectly, by a United States person.

(4) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen, resident, or national of the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own or control the entity.

(b) IN GENERAL.—A United States person shall be subject to a penalty for a violation of the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), if—

(1) the President determines that the United States person establishes or maintains a subsidiary outside of the United States for the purpose of circumventing such provisions; and

(2) that subsidiary engages in an act that, if committed in the United States or by a United States person, would violate such provisions.

(c) WAIVER.—The President may waive the application of subsection (b) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (b) shall take effect on the date of the enactment of this Act and apply with respect to acts described in subsection (b)(2) that are—

(A) commenced on or after the date of the enactment of this Act; or

(B) except as provided in paragraph (2), commenced before such date of enactment, if such acts continue on or after such date of enactment.

(2) EXCEPTION.—Subsection (b) shall not apply with respect to an act described in paragraph (1)(B) by a subsidiary owned or controlled by a United States person if the United States person divests or terminates its business with the subsidiary not later than 90 days after such date of enactment.

SEC. 1255. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.

(a) FINDING.—Congress finds that the work of the Office of Terrorism and Financial Intelligence of the Department of the Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Network, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.

(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.—There is authorized to be appropriated to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence—

(1) $61,712,000 for fiscal year 2009; and

(2) such sums as may be necessary for each of the fiscal years 2010 and 2011.

(c) AUTHORIZATION OF APPROPRIATIONS FOR THE FINANCIAL CRIMES ENFORCEMENT NETWORK.—Section 310(d)(1) of title 31, United States Code, is amended by striking ''such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005'' and inserting ''$91,335,000 for fiscal year 2009 and such sums as may be necessary for each of the fiscal years 2010 and 2011''.

SEC. 1256. REPORTING REQUIREMENTS.

(a) FOREIGN INVESTMENT IN IRAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on—

(A) any foreign investments of $20,000,000 or more made in Iran's energy sector on or after January 1, 2008, and before the date on which the President submits the report; and

(B) the determination of the President on whether each such investment qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(2) SUBSEQUENT REPORTS.—Not later than 1 year after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on—

(A) any foreign investments of $20,000,000 or more made in Iran's energy sector during the 180-day period preceding the submission of the report; and

(B) the determination of the President on whether each such investment qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(b) FORM OF REPORTS.—The reports required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1257. SENSE OF CONGRESS REGARDING THE IMPOSITION OF SANCTIONS ON THE CENTRAL BANK OF IRAN.

Congress urges the President, in the strongest terms, to consider immediately using the authority of the President to impose sanctions on the Central Bank of Iran and any other Iranian bank engaged in proliferation activities or support of terrorist groups.

PART II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

SEC. 1261. DEFINITIONS.

In this part:

(1) ENERGY SECTOR.—The term ''energy sector'' refers to activities to develop petroleum or natural gas resources or nuclear power.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 14(5) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(4) PERSON.—The term ''person'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent company, or subsidiary of any entity described in subparagraph (A) or (B).

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 1262. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES THAT INVEST IN IRAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should support the decision of any State or local government to divest from, or to prohibit the investment of assets of the State or local government in, a person that the State or local government determines poses a financial or reputational risk.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran described in subsection (c).

(c) INVESTMENT ACTIVITIES DESCRIBED.—A person engages in investment activities in Iran described in this subsection if the person—

(1) has an investment of $20,000,000 or more—

(A) in the energy sector of Iran; or

(B) in a person that provides oil or liquified natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquified natural gas, for the energy sector in Iran; or

(2) is a financial institution that extends $20,000,000 or more in credit to another person, for 45 days or more, if that person will use the credit to invest in the energy sector in Iran.

(d) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice to each person to which a measure is to be applied.

(2) TIMING.—The measure shall apply to a person not earlier than the date that is 90 days after the date on which written notice is provided to the person under paragraph (1).

(3) OPPORTUNITY FOR HEARING.—The State or local government shall provide an opportunity to comment in writing to each person to which a measure is to be applied. If the

person demonstrates to the State or local government that the person does not engage in investment activities in Iran described in subsection (c), the measure shall not apply to the person.

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person engages in investment activities in Iran described in subsection (c).

(e) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

(f) NONPREEMPTION.—A measure of a State or local government authorized under subsection (b) is not preempted by any Federal law or regulation.

(g) DEFINITIONS.—In this section:

(1) INVESTMENT.—The ''investment'' of assets, with respect to a State or local government, includes—

(A) a commitment or contribution of assets;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(2) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''assets'' refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term ''assets'' does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Subsections (d) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

SEC. 1263. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

(a) IN GENERAL.—Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information available to the public—

''(A) conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007 (50 U.S.C. 1701 note); or

''(B) engage in investment activities in Iran described in section 1262(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008.''.

(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any revisions the Commission determines to be necessary to the regulations requiring disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940 to include divestments of securities in accordance with paragraph (1)(B) of such section, as added by subsection (a).

SEC. 1264. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines engages in investment activities in Iran described in section 1262(c) of this Act, without breaching the responsibilities, obligations, or duties imposed upon the fiduciary by section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104), if—

(1) the fiduciary makes such determination using credible information that is available to the public; and

(2) such divestment or avoidance of investment is conducted in accordance with section 2509.94–1 of title 29, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

PART III—PREVENTION OF TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF SENSITIVE ITEMS TO IRAN

SEC. 1271. DEFINITIONS.

In this part:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) END-USER.—The term ''end-user'' means an end-user as that term is used in the Export Administration Regulations.

(3) ENTITY OWNED OR CONTROLLED BY THE GOVERNMENT OF IRAN.—The term ''entity owned or controlled by the Government of Iran'' includes—

(A) any corporation, partnership, association, or other entity in which the Government of Iran owns a majority or controlling interest; and

(B) any entity that is otherwise controlled by the Government of Iran.

(4) EXPORT ADMINISTRATION REGULATIONS.—The term ''Export Administration Regulations'' means subchapter C of chapter VII of title 15, Code of Federal Regulations.

(5) GOVERNMENT.—The term ''government'' includes any agency or instrumentality of a government.

(6) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(7) STATE SPONSOR OF TERRORISM.—The term ''state sponsor of terrorism'' means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(8) TRANSSHIPMENT, REEXPORTATION, OR DIVERSION.—The term ''transshipment, reexportation, or diversion'' means the exportation, directly or indirectly, of items that originated in the United States to an end-user whose identity cannot be verified or to an entity owned or controlled by the Government of Iran in violation of the laws or regulations of the United States by any means, including by—

(A) shipping such items through 1 or more foreign countries; or

(B) by using false information regarding the country of origin of such items.

SEC. 1272. IDENTIFICATION OF LOCATIONS OF CONCERN WITH RESPECT TO TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF CERTAIN ITEMS TO IRAN.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the appropriate congressional committees a report that identifies all countries that the Director determines are of concern with respect to transshipment, reexportation, or diversion of items subject to the provisions of the Export Administration Regulations to an entity owned or controlled by the Government of Iran.

SEC. 1273. DESTINATIONS OF POSSIBLE DIVERSION CONCERN AND DESTINATIONS OF DIVERSION CONCERN.

(a) DESTINATIONS OF POSSIBLE DIVERSION CONCERN.—

(1) DESIGNATION.—The Secretary of Commerce shall designate a country as a Destination of Possible Diversion Concern if the Secretary, in consultation with the Secretary of State and the Secretary of the Treasury, determines that such designation is appropriate to carry out activities to strengthen the export control systems of that country based on criteria that include—

(A) the volume of items that originated in the United States that are transported through the country to end-users whose identities cannot be verified;

(B) the inadequacy of the export and reexport controls of the country;

(C) the unwillingness or demonstrated inability of the government of the country to control diversion activities; and

(D) the unwillingness or inability of the government of the country to cooperate with the United States in interdiction efforts.

(2) STRENGTHENING EXPORT CONTROL SYSTEMS OF DESTINATIONS OF POSSIBLE DIVERSION CONCERN.—If the Secretary of Commerce designates a country as a Destination of Possible Diversion Concern under paragraph (1), the United States shall initiate government-to-government activities described in paragraph (3) to strengthen the export control systems of the country.

(3) GOVERNMENT-TO-GOVERNMENT ACTIVITIES DESCRIBED.—The government-to-government activities described in this paragraph include—

(A) cooperation by agencies and departments of the United States with counterpart agencies and departments in a country designated as a Destination of Possible Diversion Concern under paragraph (1) to—

(i) develop or strengthen export control systems in the country;

(ii) strengthen cooperation and facilitate enforcement of export control systems in the country; and

(iii) promote information and data exchanges among agencies of the country and with the United States; and

(B) efforts by the Office of International Programs of the Department of Commerce to strengthen the export control systems of the country to—

(i) facilitate legitimate trade in high-technology goods; and

(ii) prevent terrorists and state sponsors of terrorism, including Iran, from obtaining nuclear, biological, and chemical weapons, defense technologies, components for improvised explosive devices, and other defense items.

(b) DESTINATIONS OF DIVERSION CONCERN.—

(1) DESIGNATION.—The Secretary of Commerce shall designate a country as a Destination of Diversion Concern if the Secretary, in consultation with the Secretary of State and the Secretary of the Treasury, determines—

(A) that the government of the country is directly involved in transshipment, reexportation, or diversion of items that originated in the United States to end-users whose identities cannot be verified or to entities owned or controlled by the Government of Iran; or

(B) 12 months after the Secretary of Commerce designates the country as a Destination of Possible Diversion Concern under subsection (a)(1), that the country has failed—

(i) to cooperate with the government-to-government activities initiated by the United States under subsection (a)(2); or

(ii) based on the criteria described in subsection (a)(1), to adequately strengthen the export control systems of the country.

(2) LICENSING CONTROLS WITH RESPECT TO DESTINATIONS OF DIVERSION CONCERN.—

(A) REPORT ON SUSPECT ITEMS.—

(i) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Director of National Intelligence, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report containing a list of items that, if the items were transshipped, reexported, or diverted to Iran, could contribute to—

(I) Iran obtaining nuclear, biological, or chemical weapons, defense technologies, components for improvised explosive devices, or other defense items; or

(II) support by Iran for acts of international terrorism.

(ii) CONSIDERATIONS FOR LIST.—In developing the list required under clause (i), the Secretary of Commerce shall consider—

(I) the items subject to licensing requirements under section 742.8 of title 15, Code of Federal Regulations (or any corresponding similar regulation or ruling) and other existing licensing requirements; and

(II) the items added to the list of items for which a license is required for exportation to North Korea by the final rule of the Bureau of Export Administration of the Department of Commerce issued on June 19, 2000 (65 Fed. Reg. 38148; relating to export restrictions on North Korea).

(B) LICENSING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall require a license to export an item on the list required under subparagraph (A)(i) to a country designated as a Destination of Diversion Concern.

(3) WAIVER.—The President may waive the imposition of the licensing requirement under paragraph (2)(B) with respect to a country designated as a Destination of Diversion Concern if the President—

(A) determines that such a waiver is in the national interest of the United States; and

(B) submits to the appropriate congressional committees a report describing the reasons for the determination.

(c) TERMINATION OF DESIGNATION.—The designation of a country as a Destination of Possible Diversion Concern or a Destination of Diversion Concern shall terminate on the date on which the Secretary of Commerce determines, based on the criteria described in subparagraphs (A) through (D) of subsection (a)(1), and certifies to Congress and the President that the country has adequately strengthened the export control systems of the country to prevent transshipment, reexportation, and diversion of items through the country to end-users whose identities cannot be verified or to entities owned or controlled by the Government of Iran.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1274. REPORT ON EXPANDING DIVERSION CONCERN SYSTEM TO COUNTRIES OTHER THAN IRAN.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Commerce, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that—

(1) identifies any country that the Director determines may be transshipping, reexporting, or diverting items subject to the provisions of the Export Administration Regulations to another country if such other country—

(A) is seeking to obtain nuclear, biological, or chemical weapons, defense technologies, components for improvised explosive devices, or other defense items; or

(B) provides support for acts of international terrorism; and

(2) assesses the feasability and advisability of expanding the system established under section 1273 for designating countries as Destinations of Possible Diversion Concern and Destinations of Diversion Concern to include countries identified under paragraph (1).

PART IV—EFFECTIVE DATE; SUNSET

SEC. 1281. EFFECTIVE DATE; SUNSET.

(a) EFFECTIVE DATE.—Except as provided in sections 1254, 1262, and 1273(b)(2)(A), the provisions of, and amendments made by, this subtitle shall take effect on the date that is 120 days after the date of the enactment of this Act.

(b) SUNSET.—The provisions of this subtitle shall terminate on the date that is 30 days after the date on which the President certifies to Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state sponsor of terrorism under—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); and

(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

SA 5486. Mr. BROWN (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 303, between lines 3 and 4, insert the following:

SEC. 1056. GAO REVIEW OF ROLE OF IMPORTS IN DEFENSE INDUSTRIAL BASE.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall conduct a thorough review of the application of provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) and the Defense Production Act (50 U.S.C. App. 2077 et seq.).

(b) CONSIDERATIONS.—In conducting the review required under subsection (a), the Comptroller General shall examine—

(1) the safety of products and reliability of supply chains that service defense infrastructure;

(2) the legal limitations, if any, on procurement by the Department of Defense of products manufactured in countries that have exported multiple unsafe products to the United States;

(3) systems in place to determine the origin of products the Department procures and the reliability of manufacturing supply chains;

(4) information provided by suppliers to the Department about the origin of the products they use in their systems and subsystems;

(5) information the Department currently requires of suppliers about the origin of products, materials, and components;

(6) manufacturing production capacity in the United States in the case of a surge in production requests by the Department;

(7) measures in place to determine country-of-origin of products that have been substandard or not met criteria;

(8) the capacity of the United States industrial base to manufacture for the national defense in the next 10 years; and

(9) such other issues as the Comptroller General determines relevant.

(c) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Armed Services of the Senate and the Committees on Financial Services and the Committee on Armed Services of the House of Representatives a report on the review conducted under subsection (a).

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting any law or regulation otherwise pertaining to the protection of classified information or proprietary information sought or obtained by the Comptroller General.

SA 5487. Mr. CASEY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COUNTERTERRORISM STATUS REPORTS.

(a) SHORT TITLE.—This section may be cited as the ''Success in Countering Al Qaeda Reporting Requirements Act of 2008''.

(b) FINDINGS.—Congress makes the following findings:

(1) Al Qaeda and its related affiliates attacked the United States on September 11, 2001 in New York, New York, Arlington, Virginia, and Shanksville, Pennsylvania, murdering almost 3000 innocent civilians.

(2) Osama bin Laden and his deputy Ayman al-Zawahiri remain at large.

(3) In testimony to the Select Committee on Intelligence of the Senate on February 5, 2008, Director of National Intelligence J. Michael McConnell stated, ''Al-Qa'ida has been able to retain a safehaven in Pakistan's Federally Administered Tribal Areas (FATA) that provides the organization many of the advantages it once derived from its base across the border in Afghanistan''.

(4) The July 2007 National Intelligence Estimate states, ''Al Qaeda is and will remain the most serious terrorist threat to the Homeland''.

(5) In testimony to the Permanent Select Committee on Intelligence of the House of Representatives on February 7, 2008, Director of National Intelligence Michael McConnell stated, ''Al-Qa'ida and its terrorist affiliates continue to pose significant threats to the United States at home and abroad, and al-Qa'ida's central leadership based in the border area of Pakistan is its most dangerous component.''.

(6) The ''National Strategy for Combating Terrorism'', issued in September 2006, affirmed that long-term efforts are needed to win the battle of ideas against the root causes of the violent extremist ideology that sustains Al Qaeda and its affiliates. The United States has obligated resources to support democratic reforms and human development to undercut support for violent extremism, including in the Federally Administered Tribal Areas in Pakistan and the Sahel region of Africa. However, 2 reports released by the Government Accountability Office in 2008 (''Combating Terrorism: The United States Lacks Comprehensive Plan to Destroy the Terrorist Threat and Close the Safe Haven in Pakistan's Federally Administered Tribal Areas'' (GAO-08-622, April 17, 2008) and ''Combating Terrorism: Actions Needed to Enhance Implementation of Trans-Sahara Counterterrorism Partnership'' (GAO-08-860, July 31, 2008)) found that ''no comprehensive plan for meeting U.S. national security goals in the FATA have been developed,'' and ''no comprehensive integrated strategy has been developed to guide the [Sahel] program's implementation''.

(7) Such efforts to combat violent extremism and radicalism must be undertaken using all elements of national power, including military tools, intelligence assets, law enforcement resources, diplomacy, paramilitary activities, financial measures, development assistance, strategic communications, and public diplomacy.

(8) In the report entitled ''Suggested Areas for Oversight for the 110th Congress'' (GAO-08-235R, November 17, 2006), the Government Accountability Office urged greater congressional oversight in assessing the effectiveness and coordination of United States international programs focused on combating and preventing the growth of terrorism and its underlying causes.

(9) Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)) requires that the Secretary of State submit annual reports to Congress that detail key developments on terrorism on a country-by-country basis. These Country Reports on Terrorism provide information on acts of terrorism in countries, major developments in bilateral and multilateral counterterrorism cooperation, and the extent of state support for terrorist groups responsible for the death, kidnaping, or injury of Americans, but do not assess the scope and efficacy of United States counterterrorism efforts against Al Qaeda and its related affiliates.

(10) The Executive Branch submits regular reports to Congress that detail the status of United States combat operations in Iraq and Afghanistan, including a breakdown of budgetary allocations, key milestones achieved, and measures of political, economic, and military progress.

(11) The Department of Defense compiles a report of the monthly and cumulative incremental obligations incurred to support the Global War on Terrorism in a monthly Supplemental and Cost of War Execution Report.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) 7 years after the attacks on September 11, 2001, Al Qaeda and its related affiliates remain the most serious national security threat to the United States, with alarming signs that Al Qaeda and its related affiliates recently reconstituted their strength and ability to generate new attacks throughout the world, including against the United States;

(2) there remains insufficient information on current counterterrorism efforts undertaken by the Federal Government and the level of success achieved by specific initiatives;

(3) Congress and the American people can benefit from more specific data and metrics that can provide the basis for objective external assessments of the progress being made in the overall war being waged against violent extremism;

(4) the absence of a comparable timely assessment of the ongoing status and progress of United States counterterrorism efforts against Al Qaeda and its related affiliates in the overall Global War on Terrorism hampers the ability of Congress and the American people to independently determine whether the United States is making significant progress in this defining struggle of our time; and

(5) the Executive Branch should submit a comprehensive report to Congress, updated on an annual basis, which provides a more strategic perspective regarding—

(A) the United States' highest global counterterrorism priorities;

(B) the United States' efforts to combat and defeat Al Qaeda and its related affiliates;

(C) the United States' efforts to undercut long-term support for the violent extremism that sustains Al Qaeda and its related affiliates;

(D) the progress made by the United States as a result of such efforts;

(E) the efficacy and efficiency of the United States resource allocations; and

(F) whether the existing activities and operations of the United States are actually diminishing the national security threat posed by Al Qaeda and its related affiliates.

(d) ANNUAL COUNTERTERRORISM STATUS REPORTS.—

(1) IN GENERAL.—Not later than July 31, 2009, and every July 31 thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the National Counterterrorism Center and the goals established in overarching public statements of strategy issued by the executive branch;

(D) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(E) the specific status and achievements of United States counterterrorism efforts, through military, financial, political, intelligence, and paramilitary elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(F) a description of United States Government activities to counter terrorist recruitment and radicalization, including—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(G) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(H) a cross-cutting analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding to battle Al Qaeda and its related affiliates abroad, including—

(i) the source of such funds; and

(ii) the allocation and use of such funds;

(I) an analysis of the extent to which specific Federal appropriations—

(i) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(ii) contribute to investments that have expected payoffs in the medium- to long-term;

(J) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States counterterrorism efforts; and

(K) a concise summary of the methods used by National Counterterrorism Center and other elements of the United States Government to assess and evaluate progress in its overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) INTERAGENCY COOPERATION.—In preparing a report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;
(B) Department of Justice, including the Federal Bureau of Investigation;
(C) the Department of State;
(D) the Department of Defense;
(E) the Department of Homeland Security;
(F) the Department of the Treasury;
(G) the Office of the Director of National Intelligence,
(H) the Central Intelligence Agency;
(I) the Office of Management and Budget;
(J) the United States Agency for International Development; and
(K) any other Federal department that maintains relevant information.
(3) REPORT CLASSIFICATION.—Each report required under this subsection shall be—
(A) submitted in an unclassified form, to the maximum extent practicable; and
(B) accompanied by a classified appendix, as appropriate.

SA 5488. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1233. BIENNIAL REPORT ON MILITARY POWER OF IRAN.

(a) BIENNIAL REPORTS REQUIRED.—
(1) IN GENERAL.—Not later than December 31, 2009, and every two years thereafter through 2019, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the current and future military and security strategy of Iran.
(2) GENERAL SCOPE OF REPORTS.—Each report shall address the current and probable future course of military-technological development of the Iranian military and the tenets and probable development of the grand strategy, security strategy, and military strategy, and of military organizations and operational concepts of Iran.
(3) FORM.—Each report shall be submitted in both unclassified and classified form.
(b) ELEMENTS.—Each report under this section shall include analyses and forecasts with respect to the following:
(1) The goals of Iranian grand strategy, security strategy, and military strategy.
(2) The size, location, and capabilities of all land, sea, air, and irregular forces of Iran, and any other force controlled by the Iran Government or receiving funds or training from the Iran Government.
(3) Developments in and the capabilities of the ballistic missile and any nuclear, chemical, and biological weapons programs of Iran.
(4) The degree to which Iran depends on unconventional, irregular, or asymmetric capabilities to achieve its strategic goals.
(5) The irregular warfare capabilities of Iran, including the exploitation of asymmetric strategies and related weapons and technology, the use of covert forces, the use of proxy forces, support for terrorist organizations, and strategic communications efforts.
(6) Efforts by Iran to develop, acquire, or gain access to information, communication, nuclear, and other technologies that would enhance its military capabilities.
(7) The nature and significance of any arms, munitions, military equipment, or military or dual-use technology acquired by Iran from outside Iran, including from a foreign government or terrorist organization, or provided by Iran to any foreign government or terrorist organization.
(8) The nature and significance of any bilateral or multilateral security or defense-related cooperation agreements, whether formal or informal, between Iran and any foreign government or terrorist organization.
(9) Expenditures by Iran on each of the following:
(A) The security forces of Iran, whether regular and irregular.
(B) The programs of Iran relating to weapons of mass destruction.
(C) Support provided to terrorist groups, insurgent groups, irregular proxy forces, and other non-state actors, and related activities.
(D) Assistance to other countries.
(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—
(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and
(2) the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

SA 5489. Mr. LIEBERMAN (for himself, Mr. GRAHAM, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

SEC. 1233. REPORT ON THE SECURITY SITUATION IN THE CAUCASUS.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the chairs and ranking minority members of the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives a report in classified and unclassified form on the defense requirements of the Republic of Georgia.
(b) CONTENT.—The report required under subsection (a) shall include—
(1) a description of the security situation in the Caucasus following the recent conflict between the Russian Federation and the Republic of Georgia, including a description of any Russian forces that continue to occupy internationally recognized Georgian territory;
(2) an assessment of the damage sustained by the armed forces of Georgia in the recent conflict with the Russian Federation;
(3) an analysis of the defense requirements of the Republic of Georgia following the conflict with the Russian Federation, with a particular focus on the needs of the republic of Georgia for enhanced air defenses and anti-armor capabilities; and
(4) detailed recommendations on how the Republic of Georgia, with United States assistance, may improve its capability for self-defense and more effectively control its territorial waters and air space.
(c) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) Congress—
(A) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization (NATO) to include qualified candidates; and
(B) supports the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership;
(2) the expansion of NATO contributes to the continued effectiveness and relevance of the organization;
(3) Georgia and Ukraine have made important progress in the areas of defense and democratic and human rights reform;
(4) a stronger, deeper relationship among the Government of Georgia, the Government of Ukraine, and NATO will be mutually beneficial to those countries and to NATO member states;
(5) the United States should take the lead and encourage other member states of NATO to support the awarding of a Membership Action Plan to Georgia and Ukraine as soon as possible;
(6) the United States Government should provide assistance to help rebuild infrastructure in Georgia and continue to develop its security partnership with the Government of the Republic of Georgia by providing security assistance to the armed forces of Georgia, as appropriate;
(7) the United States should work with fellow NATO member states to develop contingency plans and infrastructure to address the security concerns of newly joined members;
(8) the United States should expand efforts to promote the development of democratic institutions, the rule of law, and political parties in the independent states of the former Soviet Union; and
(9) the United States should work with its allies to ensure secure, reliable energy transit routes in Central Asia, the Caucasus, and Eastern Europe.

SA 5490. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. REVIEW AND REPORT ON ORGANIZATIONAL STRUCTURE AND MISSIONS OF THE DEPARTMENT OF DEFENSE FOR CYBER OPERATIONS.

(a) REVIEW OF ORGANIZATIONAL STRUCTURE AND MISSIONS.—The Secretary of Defense shall carry out a thorough review and assessment of the organizational structure and missions of the Department of Defense and the military departments for cyber operations.
(b) SCOPE OF REVIEW.—The review required by subsection (a) shall address the following:
(1) The chains of command for operations in cyberspace to collect intelligence, defend Department of Defense information networks and systems, and attack information networks and systems, including whether such chains of command or can be integrated effectively to ensure unity of effort and timely responses.
(2) The joint requirements for capabilities for offensive, defensive, and intelligence collection operations in cyberspace.
(3) The manner in which the military departments and Defense Agencies and commands have responded to fulfill joint requirements and gaps between requirements and capabilities, and the degree to which

plans and programs in the current future-years defense program will close such gaps.

(4) The roles and missions of the organizations within the Department of Defense and the military departments with major cyberspace responsibilities, including the roles and missions that would be assigned to an Air Force Cyber Command.

(5) The role of the Department of Defense in defending the United States and its critical infrastructure from attacks in cyberspace, including a comparison and contrast between that role and the role of the Department in defending the United States from physical attack through the air, in space, and from the ground and sea.

(6) In the event of a large-scale mobilization and movement of the Armed Forces, and the conduct of major military operations overseas, the dependence of the Department of Defense on, and its vulnerability to disruptions of, critical infrastructure from hostile cyberspace attacks, and the authorities and capabilities of Department and civil officials to take action to protect military mobilization and force projection overseas.

(7) The chain of command from the President for operations to defend the networks and information systems of the United States Government as a whole, the executive departments and independent agencies of the Government, and the critical infrastructure of the United States from large-scale attacks in cyberspace.

(c) REPORT.—

(1) IN GENERAL.—Not later than October 1, 2009, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) A comprehensive description of the results of the review required by subsection (a), including a description of the results of each element of the review specified in subsection (b).

(B) Such recommendations for legislative or administrative action as a result of the review as the Secretary considers appropriate.

(2) FORM.—The report required by this subsection shall be in unclassified form, but may include a classified annex.

SA 5491. Mr. WARNER (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1056. REPORT ON NATIONAL SECURITY IMPACT OF RISING GLOBAL FOOD PRICES AND WORLDWIDE SHORTAGES OF FOOD AND WATER.

(a) FINDINGS.—Congress makes the following findings:

(1) Rising fuel prices, increased demand for food, and distribution challenges in developing countries have contributed to rising food prices, which are adversely affecting the security and welfare of millions of people worldwide.

(2) In 2008, rising food prices sparked violent protests in Haiti and Egypt, and have posed challenges to stability and governance throughout the sub-Saharan region.

(3) The lack of access to safe water and sanitation affects more than 2,000,000,000 people worldwide, posing a significant global security, environmental, and public health concern. Climate change may exacerbate these challenges.

(4) The World Health Report 2002 notes that effects of climate change on human health will undoubtedly have a greater impact on societies or individuals with scarce resources, where technologies are lacking, and where infrastructure and institutions such as the health sector are least able to adapt.

(5) The United States National Security Strategy dated March, 2006 states that the United States faces new security challenges, including ''environmental destruction, whether caused by human behavior or cataclysmic mega-disasters such as floods, hurricanes, earthquakes, or tsunamis. Problems of this scope may overwhelm the capacity of local authorities to respond, and may even overtax national militaries, requiring a larger international response. These challenges are not traditional national security concerns, such as the conflict of arms or ideologies. But if left unaddressed they can threaten national security.''.

(b) REPORT ON THE NATIONAL SECURITY IMPACT OF RISING GLOBAL FOOD PRICES AND WORLDWIDE SHORTAGES OF FOOD AND WATER.—

(1) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall submit to Congress a report on the national security impact of rising global food prices and worldwide shortages of food and water.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of the economic, geographic, ecological, social, and political factors contributing to the rise in price and shortage of worldwide food supplies;

(B) a description of the impact of changing climate patterns on global stability with respect to arable land and water resources;

(C) an assessment of the implications, if any, that might exist for United States national security and future missions for the Armed Forces given the potential social and political consequences of shortages in the global supply of food and water;

(D) an assessment of the potential implications for future demand for international humanitarian operations and other international assistance activities given the potential social and political consequences of shortages in the global supply of food and water; and

(E) an assessment of the national security implications for the United States of succeeding or failing to succeed, with other leading and emerging major contributors of greenhouse gas emissions, in efforts to reduce emissions.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

SA 5492. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. SENSE OF SENATE ON MARINE CORPS PROFESSIONAL MILITARY EDUCATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Marine Corps University of the United States Marine Corps was established in 1989 by the 29th Commandant of the Marine Corps, General Alfred Gray USMC (ret.), with the mission to develop, deliver, and evaluate professional military education and training through resident and distance education programs to prepare leaders to meet the challenges of national security \and to preserve, promote, and display the history and heritage of the Marine Corps.

(2) The United States Marine Corps Professional Military Education System educates members of the United States Marine Corps, the United States Army, the United States Air Force, the United States Navy, and the United States Coast Guard, civilian employees of the Department of State, the Department of Justice, the Central Intelligence Agency, and the Department of Defense civilians, and military officers of foreign countries.

(3) The national security of the United States depends upon Marines who are educated in a military education system that produces creative, adaptable, and critical who thinkers able to meet the challenges of warfare in the 21st century.

(4) The Commandant of the United States Marine Corps' Planning Guidance directed the President of the Marine Corps University to assess the health of the professional military education programs of the Marine Corps for both officers and enlisted members and make recommendations for the reorganization, resourcing, and adjustment of the number of students enrolled in such programs.

(5) In 2006, the Marine Corps University conducted a study under the leadership of General Charles Wilhelm USMC (ret.), to assess the health of the United States Marine Corps Officer Professional Military Education Program. This study concluded that the Officer Professional Military Education System was generally sound. However, without investment in facilities and information technology infrastructure, the system will be increasingly unable to meet the needs of Marine Corps officers, the Marine Corps generally, and the Nation.

(6) The Marine Corps has developed a comprehensive plan that will address the inadequate information technology infrastructure and the inadequate facilities with a realistic military construction effort that will include the construction of the new Academic Support Instructional Facility for professional military education programs for both officers and enlisted members.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States Marine Corps is to be congratulated for—

(1) remarkable achievement in providing creative, adaptive, and critical thinkers able to meet the challenges of warfare in the 21st center and the defense of the United States;

(2) conducting an in-depth, institutionally honest assessment of the United States Marine Corps Professional Military Education System; and

(3) pursuing the noble goal of creating a worldwide, world-class professional military education institution.

SA 5493. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. REQUIREMENTS PERTAINING TO CONSTRUCTION OF WALTER REED NATIONAL MEDICAL CENTER, BETHESDA, MARYLAND.

(a) FINDINGS.—The Senate makes the following findings:

(1) Military personnel and their families, as well as veterans and retired military personnel living in the National Capital region, deserve to be treated in world class medical facilities.

(2) World class medical facilities are defined as incorporating the best practices of the premier private health facilities in the country as well as the collaborative input of military health care professionals into a design that supports the unique needs of military personnel and their families.

(3) The closure of the Walter Reed Army Medical Center in Washington, D.C., and the resulting construction of the National Military Medical Center at the National Naval Medical Center, Bethesda, Maryland, and a new military hospital at Fort Belvoir, Virginia, offers the Department of Defense the opportunity to transition from antiquated existing facilities into world class medical centers providing the highest quality of joint service care for military personnel.

(4) Congress has supported a Department of Defense request to expedite the construction of the new facilities at Bethesda and Fort Belvoir in order to provide care in better facilities as quickly as possible.

(5) The Department of Defense has a responsibility to ensure that the expedited design and construction of such facilities do not result in degradation of the quality standards required for world class facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of Defense should immediately establish a panel consisting of medical facility design experts, military healthcare professionals, representatives of premier health care facilities in the United States, and patient representatives—

(A) to review conceptual design plans for the National Military Medical Center; and

(B) to advise the Secretary whether the design, in the view of the panel, will result in the goal of providing a world-class medical facility; and

(2) if the panel determines that the conceptual design plan will not meet such goal, the panel should, as soon as possible but in no case later than 15 days after the date of the enactment of this Act, make recommendations for changes to those plans to ensure the construction of a world-class medical facility.

(c) MILESTONE SCHEDULE.—

(1) PREPARATION.—The Secretary of Defense shall prepare a complete milestone schedule for the closure of Walter Reed Army Medical Hospital, the design and construction of replacement facilities at the National Naval Medical Center and Fort Belvoir, and the relocation of operations to the replacement facilities. The schedule shall include a detailed plan regarding how the Department of Defense will carry out the transition of operations between Walter Reed Army Medical Hospital and the replacement facilities.

(2) SUBMISSION.—The Secretary of Defense shall submit the milestone schedule and transition plan prepared under paragraph (1) to the congressional defense committees as soon as possible, but in no case later than 90 days after the date of the enactment of this Act.

SA 5494. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. TASK FORCE ON DIVERSITY IN THE ARMED FORCES.

(a) ESTABLISHMENT OF TASK FORCE.—

(1) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters related to diversity in the Armed Forces.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The task force shall consist of not more than 24 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in managing diversity.

(2) ELIGIBLE INDIVIDUALS.—The members of the task force shall include the following:

(A) The Director of the Defense Manpower Management Center.

(B) One senior representative of the Office of the Deputy Secretary of Defense for Plans.

(C) One senior military member of each of the Army, the Navy, the Air Force, and the Marine Corps who serves or has served in a leadership position with either a military department command or a combatant command.

(D) One retired general or flag officer from each of the Army, the Navy, the Air Force, and the Marine Corps.

(E) One senior noncommissioned officer from each of the Army, the Navy, the Air Force, and the Marine Corps.

(F) Five retired senior officers who served in leadership positions with either a military department command or combatant command, of which no less than three shall represent views of gender or ethnic specific groups.

(G) Four individuals from outside the Department of Defense with expertise in cultivating diversity in organizations.

(H) An attorney with appropriate experience and expertise in constitutional and legal matters relating to the duties and recommendations of the task force.

(3) CO-CHAIRS.—The Secretary of Defense shall designate two of the members of the task force under subparagraphs (F) and (G) of paragraph (2) as co-chairs of the task force.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the task force. Any vacancy in the task force shall be filled in the same manner as the original appointment.

(5) DEADLINE FOR APPOINTMENT.—All members of the task force shall be appointed not later than 60 days after the date of the enactment of this Act.

(6) QUORUM.—12 members of the task force shall constitute a quorum but a lesser number may hold hearings.

(c) MEETINGS.—

(1) INITIAL MEETING.—The task force shall conduct its first meeting not later than 30 days after the date on which a majority of the appointed members of the task force have been appointed.

(2) MEETINGS.—The task force shall meet at the call of the co-chairs.

(d) DUTIES.—

(1) STUDY.—The task force shall study the diversity within all grades of the Armed Forces. The study shall include a comprehensive evaluation and assessment of policies that provide opportunities for the advancement of all gender and ethnic specific groups within the Armed Forces.

(2) SCOPE OF STUDY.—In carrying out the study, the task force shall examine the following:

(A) Development of a uniform, Department of Defense-wide definition of diversity that is congruent with the Department's core values and vision for the future workforce.

(B) The success of the current plans of the Department (including the plans of the military departments) at achieving diversity.

(C) Existing metrics and milestones for evaluating the diversity plans of the Department (including the plans of the military departments) and for facilitating future evaluation and oversight.

(D) The effect of expanding Department of Defense secondary educational programs, including service academy preparatory schools, to diverse civilian populations.

(E) Traditional military career paths for gender and ethnic specific members of the Armed Forces, and possible alternative career paths that could enhance professional development.

(F) The success of current recruitment and retention practices in attracting and maintaining a sufficient number of diverse, qualified individuals in officer pre-commissioning programs.

(G) The success of current activities in increasing continuation rates for ethnic and gender specific members of the Armed Forces.

(H) Pre-command billet assignments of gender and ethnic-specific members of the Armed Forces.

(I) Command selection for gender and ethnic-specific members of the Armed Forces.

(J) The existence and maintenance of fair promotion, assignment, and command opportunities for ethnic and gender specific members of the Armed Forces at the warrant officer, chief warrant officer, company grade/junior grade officer, field grade/mid-grade officer, and general/flag officer levels.

(K) The current institutional structure of the Office of Diversity Management and Equal Opportunity of the Department, and of similar offices of the military departments, and their ability to ensure effective and accountable diversity management across the Department.

(L) The benefits of conducting an annual conference attended by civilian military, active duty and retired military, and corporate leaders on diversity, to include a review of current policy and the annual demographic data from the Defense Equal Opportunity Management Institute.

(M) Private sector practices that have successfully cultivated diversity and diverse leadership.

(N) The status of prior recommendations made to the Department and the military departments, and to Congress, concerning diversity initiatives within the Armed Forces.

(O) Options for improving the substance or implementation of current plans and policies of the Department, and of the military departments, described in subparagraphs (B) through (L).

(3) ARMED FORCES DEFINED.—In this subsection, the term ''Armed Forces'' means the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard (whether or not it is operating as a service in the Navy).

(4) CONSULTATION.—In carrying out the study under this subsection, the task force may consult with appropriate private, for profit, and non-profit organizations and advocacy groups, and with appropriate Federal commissions (including the Commission of the National Guard and Reserves), to learn methods for developing, implementing, and sustaining senior diverse leadership within the Department of Defense.

(e) POWERS OF THE TASK FORCE.—

(1) HEARINGS.—The task force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the task force considers appropriate.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the co-chairs of the task force, any department or agency of the Federal Government may provide information that the task force considers necessary to carry out its duties.

(f) TASK FORCE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the task force who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the task force. All members of the task force who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the task force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the task force.

(3) STAFF.—

(A) IN GENERAL.—The co-chairs of the task force may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the task force to perform its duties. The employment of an executive director shall be subject to confirmation by the task force.

(B) COMPENSATION.—The co-chairs of the task force may fix the compensation of the executive director and other personnel of the task force without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of position and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(g) REPORTS.—

(1) INITIAL REPORT.—Not later than three months after the first meeting of the task force, the task force shall submit the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(A) A strategic plan for the work of the task force.

(B) A discussion of the activities of the task force as of the date of the report.

(C) Any initial findings of the task force as of the date of the report.

(2) FINAL REPORT.—Not later than twelve months after the first meeting of the task force, the task force shall submit to the Secretary of Defense, and to the committees of Congress referred to in paragraph (1), a report on the study required by subsection (d). The report shall include the following:

(A) The findings and conclusions of the task force as a result of the study.

(B) Such recommendations as the task force considers necessary in order to increase recruitment, retention, promotion, and accession of gender and ethnic specific groups in order to achieve and maintain diversity at all levels of the Armed Forces.

(C) Such other information and recommendations the task force considers appropriate.

(3) INTERIM REPORTS.—The task force may submit to the Secretary of Defense, and to the committees of Congress referred to in paragraph (1), such additional interim reports as the task force considers appropriate.

(h) TERMINATION OF TASK FORCE.—The task force shall terminate 60 days after the date on which the task force submits the report under subsection (g)(2).

(i) FUNDING.—Amounts for the task force in carrying out its duties under this section shall be derived from amounts authorized to be appropriated by this division.

SA 5495. Mr. NELSON (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. ENHANCEMENT OF TRANSITIONAL DENTAL CARE FOR MEMBERS OF THE RESERVE COMPONENTS ON ACTIVE DUTY FOR MORE THAN 30 DAYS IN SUPPORT OF A CONTINGENCY OPERATION.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by inserting ''except as provided in paragraph (3),'' before ''medical and dental care'';

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) In the case of a member described in paragraph (2)(B), the dental care to which the member is entitled under this subsection shall be the dental care to which a member of the uniformed services on active duty for more than 30 days is entitled under section 1074 of this title.''; and

(4) in subparagraph (A) of paragraph (6), as redesignated by paragraph (2) of this section, by striking ''paragraph (4)'' and inserting ''paragraph (5)''.

SA 5496. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, insert the following:

SEC. 702. EXPANSION OF ELIGIBILITY OF SURVIVORS UNDER THE TRICARE DENTAL PROGRAM.

Section 1076a(k)(3) of title 10, United States Code, is amended by inserting before the period at the end the following:

'', except that, in the case of a dependent described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continuing eligibility shall be the longer of the following periods beginning on such date:

''(A) Three years.

''(B) The period ending on the date on which the dependent attains 21 years of age.

''(C) In the case of a dependent who, at 21 years of age, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary and is, or was, at the time of the member's death, in fact dependent on the member for over one-half of the dependent's support, the period ending on the earlier of the following dates:

''(i) The date on which the dependent ceases to pursue such a course of study, as determined by the administering Secretary.

''(ii) The date on which the dependent attains 23 years of age''.

SA 5497. Mr. NELSON of Nebraska (for himself, Mr. GRAHAM, Mr. VOINOVICH, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. NONCOMPETITIVE APPOINTMENT OF SPOUSES OF MILITARY PERSONNEL.

(a) DEFINITIONS.—In this section:

(1) ACTIVE DUTY.—The term ''active duty'' means full-time duty in the armed forces. In the case of a member of a reserve component of the armed forces, including a member of the National Guard performing full-time National Guard duty, the term does not include training duties or attendance at schools.

(2) PERMANENT CHANGE OF STATION.—The term ''permanent change of station'' has the meaning given that term in Appendix A, Volume 1 of the Department of Defense Joint Federal Travel Regulations.

(3) TOTALLY DISABLED RETIRED OR SEPARATED MEMBER OF THE ARMED FORCES.—The term ''totally disabled retired or separated member of the armed forces'' means an individual who—

(A) is retired from the armed forces under chapter 61 of title 10, United States Code, with a disability rating at the time of retirement of 100 percent disabled or;

(B) has a disability rating of 100 percent from the Department of Veterans Affairs.

(b) APPOINTMENT AUTHORITY.—(1) Under such regulations as the Director of the Office of Personnel Management shall prescribe, the head of an agency may make a noncompetitive appointment to a position in the competitive service to which the appointee is qualified of—

(A) the spouse of a member of the armed forces who, as determined by the Secretary of Defense, is performing active duty under orders that authorize a permanent change of station;

(B) the spouse of a totally disabled retired or separated member of the armed forces; or

(C) the unremarried widow or widower of a member of the armed forces who died on active duty.

(2) An appointment under paragraph (1)—

(A) of an individual described in paragraph (1)(A) may only be made—

(i) not more than 2 years after the station is permanently changed under the orders; and

(ii) to a duty station in the same geographical area as the changed permanent station;

(B) of an individual described in paragraph (1)(B) may only be made not more than 2 years after—

(i) the retirement of the member of the armed forces described in subsection (a)(3)(A);

(ii) the member of the armed forces described in subsection (a)(3)(B) received a disability rating described in that subsection; and

(C) of an individual described in paragraph (1)(C) may only be made not more than 2 years after the death of the member of the armed forces.

(3)(A) During any time period described in paragraph (2)(A)(i), (B), or (C), an individual may receive no more than 1 permanent appointment under paragraph (1).

(B) Any individual who received an appointment under paragraph (1) during the period described in paragraph (2)(B) may not receive an appointment during the period described in paragraph (2)(C).

(4) Before the head of an agency may make an appointment under paragraph (1), the head of the agency shall, at least to an extent that satisfies the requirements of applicable law and regulation, provide advance notice of the vacancy to employees of the agency and to others.

(c) STATUS OF PREFERENCE ELIGIBLES.—Nothing in this section shall be construed to deprive an individual who is a preference eligible of a preference in hiring over an individual who is not a preference eligible.

(d) REPORT TO CONGRESS.—(1) Not later than 4 years after the date of enactment of this Act, the Director of the Office of Personnel Management shall, in consultation with and with the assistance of the Secretary of Defense, prepare a report on activities carried out under this section and shall submit it to—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Government Oversight and Reform and the Committee on Armed Services of the House of Representatives.

(2) The report shall include—

(A) findings and conclusions regarding—

(i) the extent to which the exercise of the authority under this section has served the public interest;

(ii) the extent to which the exercise of the authority under this section has had consequences that are counter to the public interest; and

(iii) opinions of spouses of members of the armed services and of employees and managers of agencies where appointments under subsection (b)(1) were made with respect to the authority under this section and its exercise;

(B) any available and appropriate quantitative, as well as qualitative, measures to support the findings and conclusions in subparagraph (A); and

(C) recommendations as to whether the authority under this section should be reauthorized, and, if so, recommendations whether the authority should be made permanent and codified within title 5 of the United States Code and recommendations for any amendments to this section.

(e) TERMINATION OF AUTHORITY.—The authority to make an appointment under this section shall terminate 5 years after the date of enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Monday, September 15, 2008, at 11 a.m. to receive testimony on Voter Registration for Wounded Warriors: S. 3308, the ''Veterans Voter Support Act.''

Individuals and organizations that wish to submit a statement for the hearing record are requested to contact the Chief Clerk, Lynden Armstrong, at 202–224–7078.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 202–224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on Thursday, September 11, 2008, at 12 noon, in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 11, 2008, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday September 11, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LAUTENBERG. I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, September 11, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, September 11, 2008, at 10 a.m. in room SD–562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate to conduct a hearing entitled ''Business Start-up Hurdles in Underserved Communities: Access to Venture Capital and Entrepreneurship Training,'' on Thursday, September 11, 2008, beginning at 10 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS AND THE HOUSE VETERANS' AFFAIRS COMMITTEE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet jointly with the House Veterans' Affairs Committee during the session of the Senate on Thursday, September 11, 2008, in room 345 of the Cannon House Office Building, beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Governmental Affairs be authorized to meet on Thursday, September 11, 2008, at 9 a.m. to conduct a hearing entitled ''Dividend Tax Abuse: How Offshore Entities Dodge Taxes on U.S. Stock Dividends.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, September 11, 2008, from 10 a.m.–12:30 p.m. in Russell 325.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. NELSON of Nebraska. Mr. President, I ask also unanimous consent that MAJ Marc Packler, my military fellow, be given the privilege of the floor during the Senate debate on the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, I ask unanimous consent that Chad Jungbluth and Andrew Pate, military fellows serving in my office, be granted floor privileges for the duration of the consideration of the fiscal year 2009 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask unanimous consent that Katie Graham of my Finance Committee staff have privileges of the floor for the duration of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED—S.J. RES. 42

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that